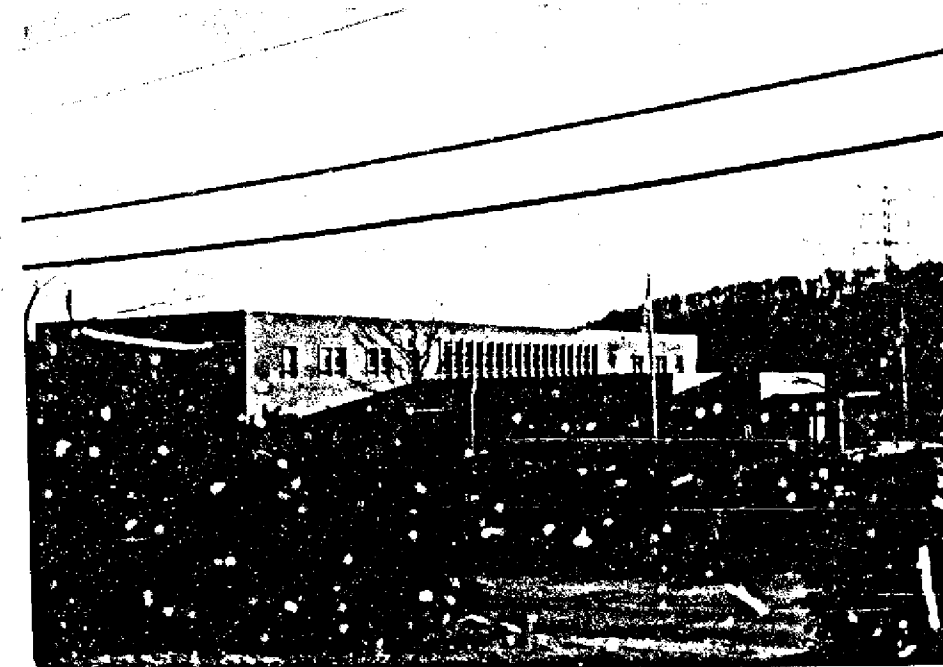




1/4A #77.22



PHOTOGRAPH #7
Standing in the center of the subject property, looking in a northerly direction showing the green fence at the rear property line and the driving range beyond.



PHOTOGRAPH #8
Standing in the driveway of the subject property looking in a southerly direction across Joppa Road towards the State Highway Administration Bldg. Note the Balto. Gas & Electric high tension line in the right-hand portion of the photograph. This line runs in a north-south direction just west of the subject tract.



PHOTOGRAPH #9
Standing in the center of the property looking in a westerly direction showing some of the greenhouses along the western boundary and the high tension tower line in the left-hand portion of the property.



PHOTOGRAPH #10
Looking in an easterly direction from the center of the property showing the cornfield adjacent to the eastern property line.

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

cc: Lapicki/Smith Associates
617 Park Avenue
Baltimore, Maryland 21201

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 28th day of January, 1980.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Donald H. Hobbs

Petitioner's Attorney: R. Bruce Alderman

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>OD</u>	Revised Plans: Change in outline or description <u>Yes</u>									
Previous case: <u>79-151 x</u>	Map # <u> </u>									

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: JUNE 27, 1980
Posted for: APPEAL
Petitioner: DONALD H. HOBBS
Location of property: NE/S OF JOPPA RD., 770' NW OF TALLY HO ROAD
Location of Signs: NE/S OF JOPPA RD., 895' +/- NW OF TALLY HO RD.
Remarks: Thomas E. Roland
Posted by: Thomas E. Roland Date of return: JULY 3, 1980
Number of Signs: ONE

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received this 22 day of Jan, 1980.

Filing Fee \$ 2.50 Received: ☒ Check
☐ Cash
☐ Other

WILLIAM E. HAMMOND, Zoning Commissioner

Petitioner: Donald H. Hobbs

Submitted by: H. Ham

Petitioner's Attorney: R. Bruce Alderman

Reviewed by: OD

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 86350

DATE: March 21, 1980 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: R. Bruce Alderman, Esquire

FOR: Filing Fee for Case No. 80-212-A

38901R 25 25.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 86409

DATE: April 23, 1980 ACCOUNT: 01-662

AMOUNT: \$57.00

RECEIVED FROM: MacKenzie & Associates, Inc.

FOR: Advertising and Posting for Case No. 80-212-A

38319R 23 57.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 088398

DATE: June 18, 1980 ACCOUNT: 01-662

AMOUNT: \$10.00

RECEIVED FROM: Jordan Jensen

FOR: Filing Fee for Appeal of Case No. 80-212-A

38419R 19 10.00

VALIDATION OR SIGNATURE OF CASHIER

80-212-A
(Item No. 151)

NE/S of Joppa Rd., 770' NW
of Tally Ho Road

Donald H. Hobbs

1-SIGN



PETITION FOR VARIANCE

8th District
Zoning: Petition for Variance.
Location: Northeast side of
Joppa road, 770 feet northwest
of Tally Ho road.

Date & Time: Tuesday, April
22, 1980 at 10:45 A.M.
Public Hearing: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing.

Petition for Variance to
permit a building in a D.R. 16
zone to be located within 25 feet
of adjoining land zoned other
than D.R. 16 in lieu of the
required 75 feet.

The Zoning Regulations to be
excepted as follows:

Section 1902.25: In a D.R. 16
zone, no building shall be
constructed within 75 feet of
land which is in any zone
classified as D.R. 1, D.R. 2, D.R.
3.5, D.R. 5.5 or D.R. 10.5 and
which is not within the same
development tract.

All that parcel of land in the
Eighth District of Baltimore
County

BEGINNING for the same at
a point on the northeast side of
Joppa road 770 feet more or less
from Tally Ho road and at the
beginning of the first line of the
parcel of land conveyed to
Donald H. Hobbs by Deed
dated April 8, 1970 and
recorded in Liber 5084 Folio 108
and running thence bounding on
Joppa road.

1. North 40° 24' 30" west
200.00 feet, thence parallel to
the aforesaid first line.

2. North 29° 52' west 400.00
feet, thence parallel to Joppa
road.

3. South 40° 24' 30" east
200.00 feet to said first line,
thence

4. South 35° 32' west 400.00
feet to the place of beginning.
Saving and excepting all that
land now zoned D.R. 16.

Being the property of Donald
H. Hobbs, as shown on plan filed
with the Zoning Department.

Hearing Date:
TUESDAY, APRIL 22, 1980
AT 10:45 A.M.
Public Hearing - Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

BY ORDER OF
WILLIAM E. HAMMOND
Zoning Commissioner
of Baltimore County

The Essex Times

Essex, Md., April 3, 1980

This is to Certify, That the annexed

Petition

was inserted in The Essex Times, a newspaper

printed and published in Baltimore County, once in

each of one successive

weeks before the 3rd day of

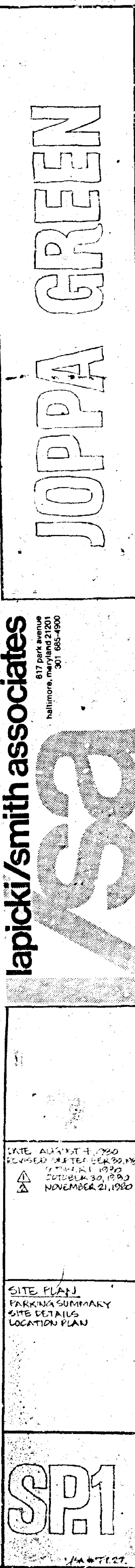
April, 1980

Signature of Publisher.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: APRIL 4, 1980
Posted for: PETITION FOR VARIANCE
Petitioner: DONALD H. HOBBS
Location of property: NE/S OF JOPPA ROAD, 770' NW TALLY HO ROAD
Location of Signs: NE/S OF JOPPA RD., 895' +/- NW OF TALLY HO RD.
Remarks: Thomas E. Roland
Posted by: Thomas E. Roland Date of return: APRIL 11, 1980
Signature

1-SIGN



151 81-218-A 151 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Donald H. Hobbs, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.2C to permit a building in a D.R. 16 zone to be located within 25' of adjoining land zoned other than D.R. 16 in lieu of the required 75'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Strict compliance with the Regulations would cause the Petitioner practical difficulty and unreasonable hardship due to the size and configuration of the property in light of a recent Circuit Court opinion in miscellaneous law case #5873 determining that the previous interpretation by planning and zoning authorities that the 75 feet setback defined in the above stated section, did not apply to office buildings, was illegal.
2. That the requested variances are in spirit and harmony with the Zoning Regulations and will in no way affect the public health, safety and general welfare of the area involved, but will, in fact, be of benefit to the area.

MAP 3C
NO. 11, 12 C
RECORD
BOOK 8
DATA 1-24-80
PAGE
10/18
11/18

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

DATE 10/19/80
ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 28th day of January, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1980, at 10:15 o'clock A.M.

Donald H. Hobbs, Legal Owner
Address: 10807 Falls Road, Baltimore, MD. 21204
Lutherville, MD. 21093
Bruce Alderman, Petitioner's Attorney
Address: 305 West Chesapeake Ave., Towson, MD. 21204
Protestant's Attorney
Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 9, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 151
Petitioner - Donald H. Hobbs
Variance Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This Variance request originates from a recent Court Order which stated that any building constructed in a D.R. 16 Zone must be located at least 75 feet from any other D.R. zoned land. This property was the subject of a recent zoning hearing (Case No. 79-151-XSPH).

A Special Exception to construct an office building and a Special Hearing for off-street parking were granted with restrictions. It should be noted that if this petition is granted, the restrictions as stated in the aforementioned case, must be satisfied in the development of this property.

Particular attention should be afforded to the comments from the Department of Permits and Licenses and the Fire Department. If you have any questions concerning these comments, you may contact Mr. Ted Barnham at 494-3987 and Captain Joseph Kelly at 494-3985, respectively.

Item No. 151 - Hobbs
Page Two

Enclosed are all comments submitted to this office from the Committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

Enclosures

cc: Lapicki/Smith Associates
617 Park Avenue
Baltimore, Maryland 21201

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 3, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #151 (1979-1980)
Property Owner: Donald H. Hobbs
N/SE Joppa Rd. 770' N/W Tally Ho Rd.
Existing Zoning: DR 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.
Acres: 1.8 District: 8th Previous Cases: 79-151, XSPH (Item No. 68, 1978-1979); 76-144 XSPH (Item No. 95, 1975-1976)

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied for this property, for Project IDCA 78-52X, and in connection with the Zoning Advisory Committee review for Item 95 (1975-1976), 76-144 XSPH and Item 68 (1978-1979), 79-151 XSPH are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 151 (1979-1980).

Very truly yours,

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

S-SZ Key Sheet
44 & 45 NW 10 Pos. Sheets
NW 11 & 12 C Topo
60 Tax Map

Attachments

December 4, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 68 (1978-1979)
Property Owner: Donald H. Hobbs
N/SE Joppa Rd. 770' N/W Tally Ho Rd.
Existing Zoning: D.R. 16, D.R. 1 & D.R. 2
Proposed Zoning: Special Exception for offices (IDCA No. 78-52X) and Special Hearing for off street parking in a residential zone.
Acres: 2.0 District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied for this property for Project IDCA 78-52X and for Zoning Item 95 (1975-1976).

Highways:

Joppa Road, an existing County road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations shall be subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item 68 (1978-1979)
Property Owner: Donald H. Hobbs
Page 2
December 4, 1978

Water and Sanitary Sewer:

There is public 12-inch water main and 8-inch sanitary sewerage in Joppa Road serving the present residence on this property, which is tributary to the Jones Falls sanitary sewer system, subject to State Health Department regulations.

The Petitioner is responsible for the cost of capping and plugging any existing water main or sanitary sewer services connection, due to the proposed razing of the present dwelling on this property, not used to serve the proposed office complex.

Very truly yours,
(SIGNED) EDWARD A. MCDONOUGH
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

S-SZ Key Sheet
44 & 45 NW 10 Pos. Sheets
NW 11 & 12 C Topo
60 Tax Map

Attachment

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
December 22, 1975

Bureau of Engineering
ELLSWORTH N. DIVER, P.E., CHIEF

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 68 (1975-1976)
Property Owner: Donald H. Hobbs
N/SE of Joppa Rd., 770' N/W of Tally-Ho Rd.
Existing Zoning: Parcel 1 - D.R. 16
Parcel 2 - D.R. 2
Proposed zoning: Special Hearing for off street parking in a residential zone and a Special Exception for an office building.
No. of Acres: Parcel 1 - 1.703
Parcel 2 - 0.114
District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Joppa Road, an existing County road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Highway improvements, including highway right-of-way widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering. The submitted plan must be revised accordingly.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

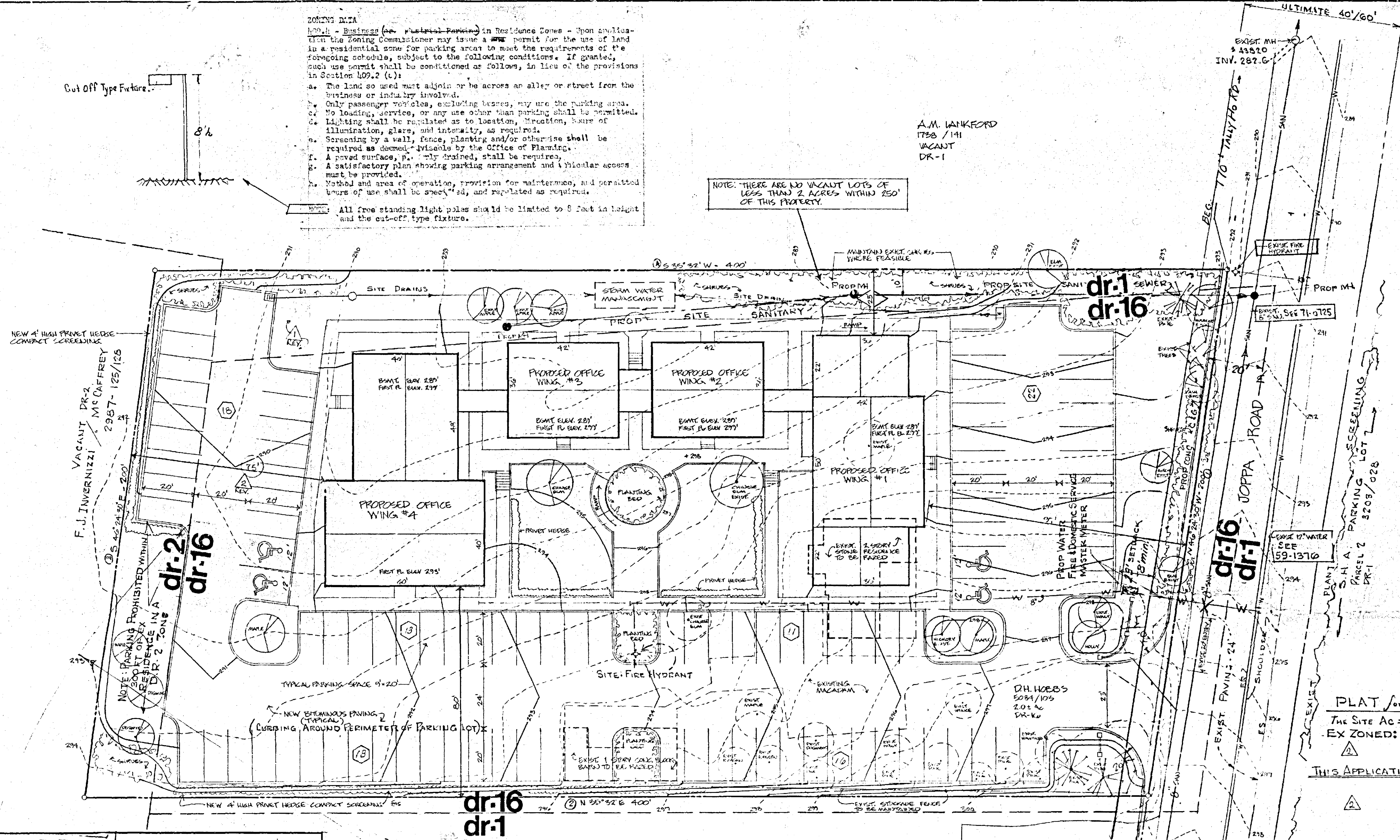
Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

ZONING DATA
100.1 - Business (B-1) - Residential Parking - In Residence Zones - Upon application the Zoning Commissioner may issue a permit for the use of land in a residential zone for parking areas to meet the requirements of the foregoing schedule, subject to the following conditions. If granted, such use permit shall be conditioned as follows, in lieu of the provisions in Section 100.2 (c):
a. The land so used must adjoin or be across an alley or street from the business or industry involved.
b. Only passenger vehicles, excluding buses, may use the parking area.
c. No loading, service, or any use other than parking shall be permitted.
d. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required.
e. Screening by a wall, fence, planting and/or otherwise shall be required as deemed advisable by the Office of Planning.
f. A paved surface, fully drained, shall be required.
g. A satisfactory plan showing parking arrangement and vehicular access must be provided.
h. Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required.
i. All free standing light poles shall be limited to 8 feet in height and the cut-off type fixture.

NOTE: THERE ARE NO VACANT LOTS OF LESS THAN 2 ACRES WITHIN 250' OF THIS PROPERTY.

A.M. WANKFORD
1738 / 141
VACANT
DR-1



PLAT FOR ZONING PURPOSES
THE SITE AC = 2.0 AC GROSS
EX ZONED: DR-1G (1.8 AC) WITH SPECIAL EXCEPTION FOR OFFICE USE PER RULING NO. 79-151-XEPH DATED 17 JAN 1980
THIS APPLICATION:
VARIANCE TO SECTION 1802.2C TO PERMIT:
25' SIDEYARD ON EAST PROPERTY LINE IN LIEU OF 75'

PARKING SUMMARY

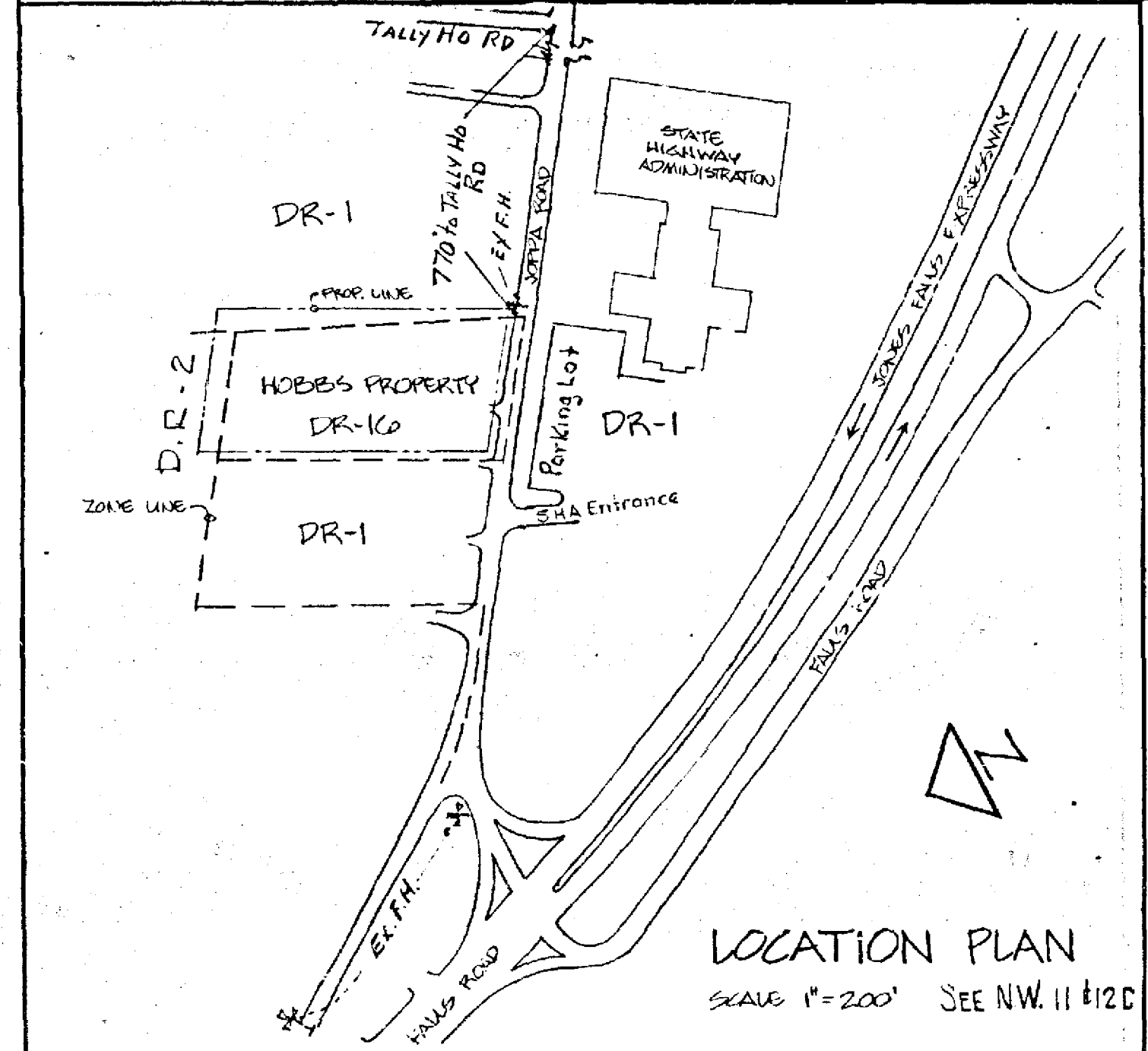
PROPOSED OFFICE BUILDING	11020#
TOTAL FIRST FLOOR AREA	10200/500 = 20
TOTAL SECOND FLOOR AREA	10000/500 = 20
TOTAL PARKING SPACES REQUIRED	40
TOTAL PARKING SPACES PROVIDED	98

PROPOSED SITE PLAN

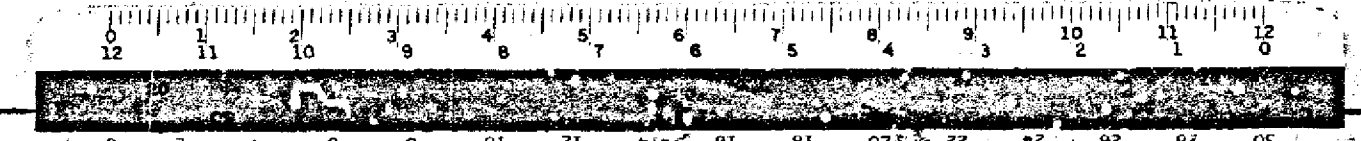
SCALE 1" = 20'

ELECTION DISTRICT No 8

NOTE: PLAT UPDATED JAN 5 79 per ZAC Comments of Dec 26 78. See 446.409 Notes



LOCATION PLAN
SCALE 1" = 200' SEE NW 11 112C



lapicki/smith associates

JOPPA GREEN

RECEIVED 19 JAN 1980
(SIDE YARD VARIANCE)
REVISED APRIL 5 1979
(REMOVED (2) PARKING SPACES FROM DR-1 ZONE)
AUGUST 31, 1978
SP.1

JAMES S. SPANER & ASSOCIATES
P.O. BOX 9804
TOLSON, MD. 21204

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

1. The Petitioner designed the proposed improvements in accordance with the Comprehensive Manual of Development Policies referred to in Section 504.2 of the Baltimore County Zoning Regulations after its adoption by the Baltimore County Planning Board which established twenty-five feet as the acceptable setback for principal uses other than dwellings within zones of different classifications.
2. The subject site is adjacent to D.R.1 zoned land on the south, west, and east and D.R.2 zoned land on the north.
3. The only part of the improvements proposed that is twenty-five feet from a different classification is the unimproved tract of land on the east of the subject site.
4. The then Zoning Commissioner, S. Eric DiNenna, granted to the Petitioner a special exception for office buildings and offices on April 30, 1979, subject to restrictions as therein contained (Petitioner's Exhibit 3).
5. As the result of an appeal, the County Board of Appeals of Baltimore County affirmed the Order of the Zoning Commissioner on January 17, 1980, subject to restrictions as therein contained (Petitioner's Exhibit 4).
6. Prior to the Board of Appeals signing its Order, Judge Edward A. DeWater, Jr., of the Circuit for Baltimore County, in Miscellaneous Law Case No. 5873, determined that the conflict between the requirements contained in V.B.2 of the Comprehensive Manual and Section 1B02.2.C of the Zoning Regulations "must be resolved in favor of existing zoning regulations..."
7. Section 1B02.2.C of the Zoning Regulations states "In a D.R.16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R.1, D.R.2..."
8. Strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.
9. The granting of the variance will not adversely affect the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of May, 1980, that the herein Petition for Variance to permit a building within twenty-five feet of land zoned other than D.R.16 in lieu of the required seventy-five feet should be and the same is GRANTED, from and after the date of this Order, subject, however, to compliance with the terms, conditions, and provisions of the Zoning Commissioner's Orders dated April 30, 1979, and amended May 2, 1979, and the Board of Appeals' Order dated January 17, 1980, all referring to Case No. 79-151-XSPH.

[Signature]
Zoning Commissioner of
Baltimore County

 **Maryland Department of Transportation**
State Highway Administration

James J. O'Donnell
Secretary
W. S. Caltrider
Administrator

February 14, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: Z.A.C. Meeting, Feb. 5, 1980
ITEM: 151.
Property Owner: Donald H. Hobbs
Location: NE/S Joppa Rd.,
770' NW Tally Ho Rd., 660',
E of Falls Rd. (Route 25)
Existing Zoning: D.R. 16
Proposed Zoning: Variance to
permit a side setback of
25' in lieu of the required
75'.
Acres: 1.8
District: 8th
Previous Cases: 79-151-
XSPH (Item No. 68, 1978-79);
76-144-XSPH (Item No. 95,
1975-76)

Dear Mr. Hammond:

The State Highway Administration has been experiencing traffic problems along Falls Road, in the subject area, due to increased development in recent years. The subject proposal is for a rather large office complex, 600' from Falls Road, that is expected to generate approximately 2000 vehicles per day. This can only compound the problems. At present, there are no funds available for any appreciable improvements to the State highway.


Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

CLJEM:vrđ

By: *[Signature]*
John E. Meyers

My telephone number is (301) 383-4320

P.O. Box 717 / 200 West Preston Street, Baltimore, Maryland 21203

 **BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204**
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

March 25, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 151, Zoning Advisory Committee meeting of February 5, 1980, are as follows:

Property Owner: Donald H. Hobbs
Location: NE/S Joppa Road 770' NW Tally Ho Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.
Acres: 1.8
District: 79-151-XSPH (Item No. 68, 1978-79);
76-144-XSPH (Item No. 95, 1975-76)

Metropolitan water and sewer are available. Prior to construction of the proposed office buildings, the existing sewage disposal system must be located and abandoned in an approved manner.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,
[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/zw

CC--Air Pollution

 **baltime county
department of traffic engineering**
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

April 17, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 151 - ZAC - Meeting of February 5, 1980
Property Owner: Donald H. Hobbs
Location: NE/S Joppa Road 770' NW Tally Ho Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.

Acres: 1.8
District: 8th
Previous Cases: 79-151-XSPH (Item No. 68, 1978-79); 76-144-XSPH (Item No. 95, 1975-76)

Dear Mr. Hammond:


The requested variance to the side setback is not expected to cause any traffic problems.

Very truly yours,

[Signature]
Michael S. Flanigan
Traffic Engineering Associate II

MSF/mjm

[Handwritten note]
99-151-XSPH

 **BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204**
825-7310

PAUL H. REINCKE
CHIEF

February 27, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Donald H. Hobbs

Location: NE/S Joppa Rd. 770' NW Tally Ho Rd.


Item No: 151 Zoning Agenda: 2-5-80

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (x) 2. A second means of vehicle access is required for the site. Wing #2 & Wing #3 inaccessible for fire apparatus.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

 **BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204**
494-3211

JOHN D. SEYFFERT
DIRECTOR

March 11, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #151, Zoning Advisory Committee Meeting, February 5, 1980, are as follows:


Property Owner: Donald H. Hobbs
Location: NE/S Joppa Rd. 770' NW Tally Ho Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.
Acres: 1.8
District: 8th
Previous Cases: 79-151-XSPH (Item #68, 1978-79); 76-144-XSPH (Item #95, 1975-76)

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

[Signature]
John L. Wimbley
Planner III
Current Planning and Development

 **baltime county
department of permits and licenses**
TOWSON, MARYLAND 21204
(301) 494-3610

Ted Zalecki, Jr.
DIRECTOR

February 4, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #151 Zoning Advisory Committee Meeting, February 5, 1980 are as follows:

Property Owner: Donald H. Hobbs
Location: NE/S Joppa Road 770' NW Tally Ho Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.

Acres: 1.8
District: 8th
Previous CASE: 79-151-XSPH (Item No. 68, 1978-79) 76-144-XSPH Item 95, 1975-76
The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1978 Edition, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin. Raising, miscellaneous, others.
- X C. Additional _____ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____
- X J. Comment: Show curb ramps for Handicapped any building which exceeds 8000 sq. ft. or two stories shall be provided with an elevator. For the handicapped, basements if habitable will constitute a story. Please indicate type of construction and how the structure will comply with the height and area requirements for basements in the B.C.C.A. and State of Maryland Code. Note: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,
[Signature]
Charles E. Burnham, Chief
Plans Review

CEB:mj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland 21204

Date: February 7, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: February 5, 1980

RE: Item No. 151, 152, 153, 154, 155, 156, 157
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/S of Joppa Rd., 770' :
NW of Tally Ho Rd., 8th District : OF BALTIMORE COUNTY
DONALD H. HOBBS, Petitioner : Case No. 80-212-A

ORDER TO ENTER APPEARANCE

Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County
Court House, Rm. 223
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of April, 1980, a copy of the foregoing Order was mailed to R. Bruce Alderman, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204; and Mr. Clark F. MacKenzie, 10807 Falls Road, Lutherville, Maryland 21093, Contract Purchaser.

John W. Hessian, III
John W. Hessian, III

RE: PETITION FOR VARIANCE : BEFORE
from Sec. 1802.2C to permit : COUNTY BOARD OF APPEALS
a building in a DR 16 zone to be :
located within 25' of adjoining land : OF
zoned other than DR 16 in lieu of the : BALTIMORE COUNTY
required 75' :
NE/S of Joppa Rd., 770' NW of : No. 80-212-A
Tally Ho Road :
8th District :
Donald H. Hobbs, Petitioner :

ORDER OF DISMISSAL

Petition of Donald H. Hobbs for a variance from Section 1802.2C to permit a building in a DR 16 zone to be located within 25' of adjoining land zoned other than DR 16 in lieu of the required 75', on property located on the northeast side of Joppa Road, 770' northwest of Tally Ho Road, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed September 19, 1980, (a copy of which is attached hereto and made a part hereof) from the Protestants-Appellants in the above entitled matter.

WHEREAS, the said Protestants-Appellants request that the appeal filed on their behalf be dismissed and withdrawn as of September 19, 1980.

IT IS HEREBY ORDERED this 23rd day of September, 1980, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Leroy B. Spangler
Leroy B. Spangler

John A. Miller
John A. Miller

Donald H. Hobbs
Case No. 79-151-XSPH

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of January, 1980, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner dated April 30, 1979, be affirmed, and that the Special Exception petitioned for be and the same is hereby granted, subject to the following restrictions:

1. No more than thirty percent (30%) of the square footage of use shall be used for medical and/or dental offices.
2. Substantial compliance with site and architectural plans submitted with this petition must be adhered to.
3. Approval of the site plan by State Highway Administration, the Department of Public Works and the Office of Planning and Zoning.
4. Said Special Exception must be utilized within five years or become null and void.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Patricia Millhouser
Patricia Millhouser

IN THE MATTER OF THE PETITION * BEFORE THE BOARD OF APPEALS
FOR VARIANCE * OF BALTIMORE COUNTY
DONALD H. HOBBS, * No. 80-212-A. (Item No. 151)
Petitioner *

NOTICE OF DISMISSAL

MR. CLERK:

Please dismiss our appeal filed in the above entitled case.

Richard J. Flanagan
Richard J. Flanagan
8213 White Manor Road
Lutherville, Maryland 21093

Jorgen Jensen
Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093

RECEIVED
BALTIMORE COUNTY
SEP 19 1 07 PM '80
COUNTY BOARD
OF APPEALS

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Office Buildings and Offices : COUNTY BOARD OF APPEALS
PETITION FOR SPECIAL HEARING :
for parking in residential zone : OF
(DR 1 and DR 2) : BALTIMORE COUNTY
Northeast side Joppa Rd., 770' northwest :
of Tally Ho Road :
8th District :
Donald H. Hobbs, Petitioner : No. 79-151-XSPH

OPINION

This case comes before this Board on an appeal from an Order of the Zoning Commissioner granting the petition subject to a number of restrictions. The case was heard this day "De Novo" in its entirety.

The subject property is located on the northeast side of Joppa Road, 770' northwest of Tally Ho Road in the 8th Election District of Baltimore County. Subject property is 200'± by 400'±, containing a little less than two acres and is zoned D.R. 16. The property now is improved with a residence and a garage presently being utilized as a horse stable. The Petitioner seeks a Special Exception to construct an office complex on this site, totally new, all existing buildings to be razed. Exhibits presented at this hearing fully describe this intended use.

Testimony was received from Mr. Clarke MacKenzie, the developer of this project, as to all aspects of the intended use; from Mr. James Spamer, a registered professional engineer, as to the details of the site plan; from Mr. Donald D. Smith, the architect for the project, from Mr. John Erdman, a traffic engineer and from Mr. David Horn, a real estate expert, as to the effect of this proposed project on surrounding and adjacent properties. In the course of this testimony, the present use of all nearby properties was clearly explained. Basically this use was demonstrated to be commercial use on three sides, thru non-conforming use, special exception, or proper zoning with a farm type estate on the other boundary. Testimony was also received from several neighbors protesting the proposed use. The main thrust of their objections centered on their objection to any further encroachment of commercial use and the possible additional traffic it may generate.

Donald H. Hobbs
Case No. 79-151-XSPH

After careful consideration of all presented testimony and exhibits, the Board is of the opinion that the proposed use on this particular site is an acceptable use. All the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been satisfied by the testimony and evidence received. The question was raised during this hearing as to applicability of Section 1802.2C of the Baltimore County Zoning Regulations, which would require 75' set-back from the adjacent farm area.

The Board is cognizant of the fact that this section has been interpreted by the Baltimore County Office of Zoning as applicable only to apartment type projects. The Board is also aware of a recent decision by Judge DeWaters of the Baltimore County Circuit Court in Miscellaneous Law Case #5873 (1/11/80), which seemingly overrules and contradicts the existing policy cited above. In the subject case the Petitioner sought no variance for the setback which would be necessary if Section 1802.2(c) is applicable. Therefore, this issue is not before the Board. However, reflecting upon the above, please note particularly restriction #2 in the Order which follows hereafter. Whether or not this section is applicable is to have no bearing on the fact that the special exception is granted subject to "substantial compliance with the site and architectural plans submitted with this petition . . .".

It should also be mentioned that the proposed R. O. classification for office use in a residential area is recommended by the Planning Staff and Board at this time. In addition, this Board is of the opinion that the colonial type architecture proposed, while to be used as offices, generates an attractive residential type appearance and would thus constitute an acceptable buffer type use between the commercial and the residential areas. The Board also feels that the traffic differential between the proposed use and the possible use as apartments is not a major problem to this area. For all the reasons stated above, the Board is of the opinion that the Special Exception request for office use should be granted and will so order with restrictions. Since the submitted plans show no parking proposed for the very small D.R. 1 and D.R. 2 zones involved, this issue is considered moot.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Office Buildings and Offices, and : COUNTY BOARD OF APPEALS
SPECIAL HEARING for parking in a :
residential zone : OF
NE/S of Joppa Road 770' : BALTIMORE COUNTY
NW of Tally Ho Road :
8th District :
Donald H. Hobbs, Petitioner : No. 79-151-XSPH

SUPPLEMENTAL OPINION

This is a Supplemental Opinion and Order by the County Board of Appeals of Baltimore County in case #79-151-XSPH, Donald Hobbs, addressing the Special Hearing for parking in a residential zone only. In the original Opinion, dated January 17, 1980, this item was not included. On Petitioner's Exhibit #5 it should be noted that there is a small strip of D.R. 2 zoning that is to remain as a landscaped area, and this was addressed in the original Opinion. There was, however, a request for a small parcel for automobile parking that was not addressed in the original Opinion.

The request in this case is for nine (9) parking spaces along the northern property line. While the nearby properties are zoned residential, they enjoy legal non-conforming uses as a commercial florist and a golf driving range, so while they may appear on the zoning maps as residential they are, and have been for many years, of a commercial character, as are many other properties to the south and west of the subject site. For this reason the Board finds the proposed use acceptable and will so order. Hence, note particularly that this Supplemental Opinion addresses only the unanswered issue that was separately filed as the "Special Hearing for parking in a residential zone". The Board is satisfied that the testimony and evidence presented basically satisfied Sections 502.1 and 409.4 of the Zoning Regulations and, therefore, the off-street parking in this residential zone may be granted without violating the spirit and intent of these regulations. For these reasons, the Board will grant the request for these nine (9) off-street parking spaces.

Therefore:

WHEREAS, the Petitioner in the subject case requested a
"Special Hearing for parking in a residential zone"

WHEREAS, the Board received testimony and evidence concerning this requested parking;

WHEREAS, the Board, in its Opinion and Order, dated January 17, 1980, failed to address this petition;

The Board will issue an Opinion and Order addressing only the "Request for a Special Hearing for parking in a residential zone". This limited Order follows hereafter.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of February, 1980, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated April 30, 1979, be affirmed, and that the parking in a residential zone petitioned for, as shown on Petitioner's Exhibit #5, be and the same is hereby GRANTED.

The failure to address this issue in the original Order was the Board's omission. Hence, the Board will preserve the appeal time in the original Order, dated January 17, 1980, granting the requested special exception.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Patricia Millhouse
Patricia Millhouse

PETITIONER'S
EXHIBIT #2

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
NE/S of Joppa Road, 770' NW of Tally :
Ho Road - 8th Election District :
Donald H. Hobbs - Petitioner : OF
NO. 79-151-XSPH (Item No. 68) : BALTIMORE COUNTY

... ..

... ..

This matter comes before the Zoning Commissioner as a result of a Petition for Special Exception for office buildings and offices and, additionally, a Petition for Special Hearing for a use permit for parking in residential (D.R.1 and D.R.2) zones, at the above location.

Testimony presented at the hearing indicated that a Special Exception and Special Hearing were previously petitioned for the subject property (Case No. 76-144-XSPH). The then Deputy Zoning Commissioner, George J. Martinak, denied said Petitions by Order dated January 27, 1976. The denying of the requested office building and offices and off-street parking in a residential zone was justified by an imposed sewer moratorium by the State of Maryland and the amount of square footage proposed.

It is well-founded that an administrative decision cannot be overturned by another administrative decision unless there has been a substantial change in the circumstances justifying same.

In the instant case, testimony on behalf of the Petitioner indicated that the sewer moratorium no longer exists, the height of the buildings as proposed is much lower, the proposed development is to be constructed in a colonial-type village office use, and the square footage is twenty-four per cent (24%) less than when previously requested.

Further testimony on behalf of the Petitioner indicated that the proposed development would not have a detrimental effect on the traffic in the immediate area. The number of trips per day will increase with the office use, but not to the extent that would cause a concentration of traffic

BOARD OF APPEALS
PETITIONER'S
EXHIBIT #2

on the intersecting streets of the area. Also, if the subject property were developed in its present classification (D.R.16), 28.8 apartment units could, in fact, be constructed. If developed as proposed, it would be an ideal buffer between the commercial uses to the west along Falls Road near Green-spring Avenue and the residential uses to the east.

It was further stipulated that the use permit for parking for the portion of land zoned D.R.1 is no longer needed.

Several area residents, in protest, indicated they were fearful that construction of this office complex would cause traffic congestion in the area.

Without reviewing the evidence further in detail but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the Special Exception should be granted. Likewise, pursuant to Section 500.7 of the aforementioned Regulations, the prerequisites of Section 409.4 have been met and the use permit for parking should also be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April, 1979, that both the Petition for Special Exception for office buildings and offices and the Petition for Special Hearing for a use permit for parking for the portion of land zoned D.R.2 should be and the same are hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

1. No more than thirty percent (30%) of the square footage of use shall be used for medical and/or dental offices.
2. Substantial compliance with the site plan submitted with this Petition.
3. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

IT IS FURTHER ORDERED that the Petition for Special Hearing for a

- 2 -

use permit for parking for the portion of land zoned D.R.1 be and the same is hereby DISMISSED without prejudice.

William T. Hackett
Zoning Commissioner of
Baltimore County

- 3 -

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
NE/S of Joppa Road, 770' NW of Tally :
Ho Road - 8th Election District :
Donald H. Hobbs - Petitioner : OF
NO. 79-151-XSPH (Item No. 68) : BALTIMORE COUNTY

... ..

... ..

AMENDED ORDER**NUNC PRO TUNC**

IT IS HEREBY ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of May, 1979, that the Order, dated April 30, 1979, passed in this matter, should be and the same is hereby AMENDED,

"Nunc Pro Tunc," to include the following restriction:

4. Said Special Exception must be utilized within five years or become null and void.

William T. Hackett
Zoning Commissioner of
Baltimore County

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 23, 1980

Mr. Jorgen Jensen, et al
8216 Tally Ho Rd.
Lutherville, Md. 21093

Gentlemen:

Re: Donald H. Hobbs
Case No. 80-212-A

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: R. Bruce Alderman
Richard J. Flanigan
Donald H. Hobbs
Mrs. Mary Ginn
Lawrence A. Naylor, Jr.
John W. Hession, Esq.
William E. Hammond
James E. Dyer

Re: 80-212-A
901145

GEORGE W. WHITE, JR.
CHARLES W. HILL
JOSEPH L. JOHNSON
R. BRUCE ALDERMAN
JOHN F. FOLEY, JR.
STANLEY L. HOLMES
PHILIP D. FORD
STEPHEN C. WINTER
JAMES D. STONE
EUGENE L. WILES, III
HOWEL D. BORDON
ROBERT J. LAVERGNE
ANNE LOVE ADAMS

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 828-1050

August 22, 1980

GEORGE L. CLARKE
(1928-1978)
COUNSEL
MORTON E. ADAMS
HARRY D. GRACE, MD. OFFICE
423 GREEN STREET, SUITE 8
(301) 939-3448

Re: Application for building permit
property on NE/S of Joppa Road,
770' NW of Tally Ho Road -
8th Election District

Dear Mr. Hammond:

This letter will confirm my understanding, as attorney for Donald H. Hobbs, legal owner of the above referenced property and Clark F. MacKenzie, Contract Purchaser and Developer that the building permit is being granted for construction of Phase I of the proposed development on the subject property, with the understanding that in the event the variance petitioned for in case #80-212-A (item #151), which variance was granted by you on April 22, 1980 and is presently pending before the Baltimore County Board of Appeals, is not affirmed on appeal, an appropriate petition for amendment of the site plan will be filed in the aforementioned case.

Sincerely,

R. Bruce Alderman
R. Bruce Alderman

RBA:sk
cc: James E. Dyer
Dr. Donald H. Hobbs
Clark F. MacKenzie

PETITION FOR VARIANCE
8th District

ZONING: Petition for Variance
LOCATION: Northeast side of Joppa Road, 770 feet Northwest of Tally Ho Road
DATE & TIME: Tuesday, April 22, 1980 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a building in a D.R. 16 zone to be located within 25 feet of adjoining land zoned other than D.R. 16 in lieu of the required 75 feet

The Zoning Regulations to be excepted as follows:

Section 1802.2C - In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5 or D.R. 10.5 and which is not within the same development tract

All that parcel of land in the Eighth District of Baltimore County

Being the property of Donald H. Hobbs, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 22, 1980 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

3/24/80

R. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance - Northeast side of Joppa Road, 770 feet Northwest of Tally Ho Road - Donald H. Hobbs - Case No. 80-212-A

TIME: 10:45 A.M.

DATE: Tuesday, April 22, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Clark F. MacKenzie
10807 Falls Road
Lutherville, Maryland 21093

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 10, 1980

R. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
NE/S Joppa Rd., 770' NW Tally Ho Rd
Donald H. Hobbs
Case No. 80-212-A

Dear Mr. Alderman:

This is to advise you that \$57.00 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
TO: John D. Seyffert, Director
Office of Planning and Zoning
FROM: Petition No. 80-212-A Item 151
SUBJECT: Petition for Variance
Northeast side of Joppa Road, 770 feet Northwest of Tally Ho Road
Petitioner - Donald H. Hobbs

Date: March 28, 1980

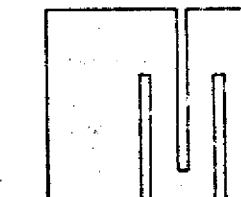
Eighth District

HEARING: Tuesday, April 22, 1980 (10:45 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:ab



MacKenzie & Associates Inc.

President:
CLARK F. MACKENZIE
Vice Presidents:
GARY T. GILL
DAVID R. MORIN
Assistant Vice President:
JOHN F. EYRING III
Consulting Engineer:
GEORGE A. REIER

August 25, 1980

Mr. James E. Dyer, Zoning Supervisor
Baltimore County Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Shell Building Permits
#29817 and #29685
Joppa Green

Dear Mr. Dyer:

This is to confirm our understanding with respect to screening along the rear property line which abuts the Invernizzi property, which is presently being utilized as a golf driving range. In the event that the Invernizzi property is developed in the future for residential purposes, Joppa Green Limited Partnership agrees to screen their property from Invernizzi's in accordance with applicable zoning regulations.

Very truly yours,

[Signature]
Gary T. Gill, Agent for
Joppa Green Limited Partnership

GTG:nm

REALTORS • DEVELOPERS • CONSULTANTS
Green Spring Village Professional Building
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 1st, 1980

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770' NW of
Tally Ho Road - 8th Election
District
Donald H. Hobbs - Petitioner
NO. 80-212-A (Item No. 151)

Dear Mr. Alderman:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:srl

Attachments

cc: Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Counsel

Mr. Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770' NW
of Tally Ho Road
8th Election District
Donald H. Hobbs - Petitioner
No. 80-212-A (Item No. 151)

Dear Mr. Commissioner:

Please note an appeal from your decision and order in the above matter, dated May 19, 1980, to the County Board of Appeals for Baltimore County on our behalf.

A check in the amount of \$10.00 to cover the cost of appeal is enclosed.

Very truly yours,
[Signature]
Richard J. Flannigan
8213 White Manor Road
Lutherville, Maryland 21093
Telephone: 321-1323

Very truly yours,
[Signature]
Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093
Telephone: 296-1154

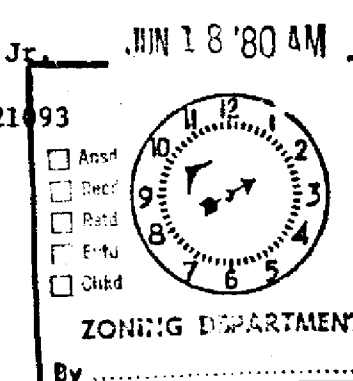
cc: R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

Enc.

John W. Hessian, III, Esquire
Peoples Counsel
Court House, Room 223
Towson, Maryland 21204

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093



LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 828-1050

January 22, 1980

Hon. William E. Hammond,
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

RE: Petition for Variance
Property Owner - Donald H. Hobbs

Dear Bill:

I have this date filed a Petition for a sideyard setback variance in the above referenced matter. As I discussed previously, this case was originally filed in the fall of 1978, was heard twice before the Zoning Commissioner (as a result of the death of Deputy Commissioner Martinek before rendering a decision in the first case) and has been recently heard and decided by the County Board of Appeals. These cases were on special exception for an office building and a special hearing for parking in connection therewith. The decisions in all the aforesaid cases have been favorable to the Petitioner.

A variance was never asked for since the Zoning Office's interpretation of all regulations was that a variance was not required for an office building in a DR-16 zone if any building was going to be less than 75 feet from another DR zone. This interpretation has recently been upset by a Circuit Court opinion in Miscellaneous Law Case No. 5873, in which case Judge DeWaters ruled the above described interpretation to be illegal.

Since a year and a half has now transpired since the initial case was filed and in further light that the subject property has already been the subject of extensive review by the Baltimore County Zoning Plans Advisory Committee, we respectfully request that this case be given a "right-of-way" and assigned for hearing at the earliest possible date.

Thank you very much for your kind consideration of our request.

Sincerely,
[Signature]
R. Bruce Alderman

RBA/stk
CC: Mr. Nicholas B. Commodari

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 1st, 1980

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770' NW of
Tally Ho Road - 8th Election
District
Donald H. Hobbs - Petitioner
NO. 80-212-A (Item No. 151)

Dear Mr. Alderman:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:srl

Attachments

cc: Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Counsel

Mr. Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770' NW
of Tally Ho Road
8th Election District
Donald H. Hobbs - Petitioner
No. 80-212-A (Item No. 151)

Dear Mr. Commissioner:

Please note an appeal from your decision and order in the above matter, dated May 19, 1980, to the County Board of Appeals for Baltimore County on our behalf.

A check in the amount of \$10.00 to cover the cost of appeal is enclosed.

Very truly yours,
[Signature]
Richard J. Flannigan
8213 White Manor Road
Lutherville, Maryland 21093
Telephone: 321-1323

Very truly yours,
[Signature]
Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093
Telephone: 296-1154

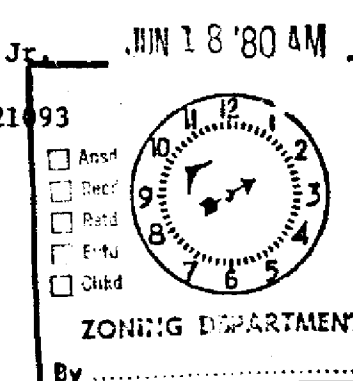
cc: R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

Enc.

John W. Hessian, III, Esquire
Peoples Counsel
Court House, Room 223
Towson, Maryland 21204

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093



JAMES S. SPANER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P. O. BOX 9804 - BALTIMORE, MD. 21204
BY: W.O.L. DATE: 8/20/78
SHEET 1 OF 1
Zoning Description For D.R.-16
to Accompany Petition for M & A Developer

Beginning for the same at a point on the northeast side of Joppa Road 770 feet more or less from Tally Ho Road and at the beginning of the first line of the parcel of land conveyed to Donald H. Hobbs by Deed dated April 8, 1970 and recorded in Liber 5081, Folio 103 and running thence binding on Joppa Road

1. North 15° 24' 30" West 200.00 feet, thence parallel to the aforesaid first line
2. North 35° 32' East 100.00 feet, thence parallel to Joppa Road
3. South 16° 24' 30" East 200.00 feet to said first line, thence
4. South 35° 32' West 100.00 feet to the place of beginning.

Saving and excepting all that land now zoned D.R.-16.

[Signature]
William C. Lustig, P.E.



June 17, 1980

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770'NW
of Tally Ho Road
8th Election District
Donald H. Hobbs - Petitioner
No. 80-212-A (Item No. 151)

Dear Mr. Commissioner:

Please note an appeal from your decision and order in the above matter, dated May 19, 1980, to the County Board of Appeals for Baltimore County on our behalf.

A check in the amount of \$40.00 to cover the cost of appeal is enclosed.

Very truly yours,

Richard J. Flanagan
8213 White Manor Road
Lutherville, Maryland 21093
Telephone: 321-1323

Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093
Telephone: 296-1154

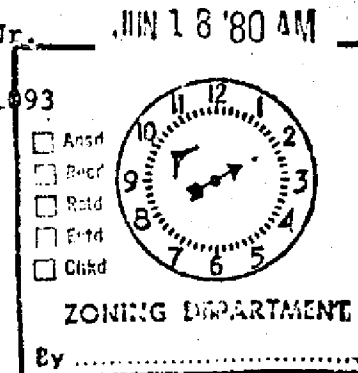
cc: R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

John W. Hessian, III, Esquire
Peoples Counsel
Court House, Room 223
Towson, Maryland 21204

Mrs. Mary Ginn
606 Horncroft Road
Towson, Maryland 21204

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093

Enc.



MacKenzie & Associates Inc.
President
CLARK F. MACKENZIE
Vice Presidents
GARY T. GILL
DAVID R. HORN
Assistant Vice President
JOHN F. EYING III
Consulting Engineer
GEORGE A. REIER

April 22, 1980

R. Bruce Alderman, Esquire
White, Minnel, Clarke & Hill
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Property of Donald H. Hobbs
"Joppa Green"
Case No. 79-151-XSPH

Dear Mr. Alderman:

As you are aware, I have prepared several comprehensive reports concerning the proposed use of the above-referenced property - namely, offices (by Special Exception in a DR16 Zone) and parking (by Special Hearing for Parking in a Residential Zone). On January 17, 1980, the Baltimore County Board of Appeals approved the office use, and by Supplemental Order on February 7, 1980, approved the off-street parking in a Residential Zone.

In the Order granting the office building use by the County Board of Appeals, acting Chairman, William T. Hackett, cited a decision in the County Circuit Court (Law Case #5873 (1/11/80) which changed the current policy regarding Section 1 B02-2(c) concerning setbacks - namely, a 75' building setback from the adjacent farm property to the East. Although the use and the parking were approved by the Court of Appeals, we are now requesting a variance. The 75' setback does not affect portions of the plan, and we could begin construction on that portion, which could be called "Phase I", however, we prefer to develop the entire property at once. Our desire to apply for the variance was indicated to John W. Hessian, III, Esquire, Peoples' Counsel for Baltimore County, in a letter written to him on February 21, 1980.

REALTORS • DEVELOPERS • CONSULTANTS
Green Spring Village Professional Building
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

R. Bruce Alderman, Esquire
April 22, 1980
Page Two

Specifically, we are requesting that the 75' setback in Section 1 B02.2(c) be changed to 25', as shown on a Plat prepared by James Spamer & Associates, Engineer, and Lapicki/Smith Associates, AIA, dated August 31, 1978 and Revised January 19, 1980. We believe the variance is warranted as it would cause practical difficulty and unreasonable hardship due to:

- (1) The property has a width of 200' and a depth of 400'. The shape of the property would create an unyielding and costly site plan.
- (2) To provide residential style buildings with low profiles, it is necessary to spread out on the site. The size doesn't permit full utilization of the property by using this design and would force the building to be an elevator mid-rise.
- (3) By putting the buildings rather than parking on the eastern portion of the property, the developer can have exposed basements due to the topographic conditions of the site. Therefore, the overall height of the buildings can be controlled, and only token parking will be adjacent to the residential zone to the east. The bulk of the parking will be adjacent to the "Greenhouse" property to the west.
- (4) To work out the storm water management and control of offsite drainage, we need to utilize the rear of the proposed buildings (or eastern portion of the property) as open area rather than parking. Therefore, it would not be good engineering to push the buildings further to the west to maintain the 75' setback.
- (5) If we were to provide only the required parking spaces, we could reduce the parking on site and move the buildings. However, we believe the zoning requirements are minimal, and it is imprudent to build only the required spaces. We are approximately 35% in excess of the Code under the proposed plan.

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

R. Bruce Alderman, Esquire
April 22, 1980
Page Three

We further believe the variances are in spirit and harmony with the Zoning Regulations and in no way affect the public health, safety and general welfare of the area involved due to:

- (1) The proposed plan has been well received by the Planning Staff and Community. The previous plan was a mid-rise elevator office building and was opposed by the Staff and Community.
- (2) The residential type buildings are a perfect transition zone from the harsher uses to the west and the farm and residential uses to the east.
- (3) The harmony of the required variance actually was accepted in previous policy by Zoning and Planning and was permitted prior to Law Case #5873. Our engineer and architect worked very closely with the Office of Planning and Zoning in preparing the proposed site plan.
- (4) We believe that it is in everyone's benefit to complete the project at once rather than over several phases. This creates minimal disruption to the roadways and provides efficient utilization of sediment control, landscaping, and construction vehicles. Had it not been for Case #5873, we would be under construction and occupancy would have been slated for late Fall, 1980.

I mentioned that I have prepared several lengthy reports concerning the proposed use of the property. These studies were used to explain to both the Zoning Commissioner and Board of Appeals the plans which I envisioned in the overall development of the property. We plan to follow the same plan which we presented at the hearings and will do so in "substantial compliance with the site and architectural plans submitted." Not only was the proposal approved by both hearing bodies, but we also have been informed that the Planning Staff of Baltimore

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

R. Bruce Alderman, Esquire
April 22, 1980
Page Four

County is recommending R-O (Residential Office) Zoning for the subject site. This is yet another indication that our design is appropriate for the site. If we are to have the design (Residential/Williamsburg) and site plan (ample open space and landscaped areas), we should be permitted to have the requested variance to give proper scale and dimensions to the buildings and site. Plans, photographs and other information will be available for review at the Zoning Hearing.

Sincerely,

Clark F. MacKenzie

CFM:rm

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585



"JOPPA GREEN"
Proposed Professional Offices
By MacKenzie & Associates, Inc.
Clark F. MacKenzie, President

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

CLARK FOWNES MacKENZIE, S. R. A.

Re: 1 Estate

Developer and Consultant

MEMBER:

MacKenzie & Associates, Inc. - President
Baltimore County Appraisers' Society
Society of Real Estate Appraisers - Senior Residential
Appraiser, Baltimore Chapter No. 24 Past Secretary
Licensed Real Estate Broker, State of Maryland
The Greater Baltimore Board of Realtors - Past Member
Board of Directors and Condominium Committee
Past Chairman - Baltimore County Division
National Association of Real Estate Boards
National Institute of Real Estate Brokers
Maryland Association of Real Estate Boards
American Right of Way Association, Chapter No. 14
Central Baltimore County Chamber of Commerce -
President 1969-1971

EDUCATION AND BACKGROUND:

Bachelor of Science Degree - University of Virginia
Major in Finance, Minor in Accounting
Real Estate Courses taken and passed:
American Institute of Real Estate Appraisers
Course I, Theories and Principles
June, 1964, University of Virginia
Course II, Real Estate Appraisal Problems
July, 1964, University of Virginia
Course IV, Condemnation
March, 1966, University of Georgia
Real Estate Board of Baltimore City
Examination III, Rural Properties
September, 1968
Johns Hopkins Evening College:
Introduction of Commercial and Industrial Real Estate
Real Estate Management
Real Estate Law
Investment Banking
American University
Ninth Institute on Tax Planning in Real Estate
Real Estate Seminars:
Condemnation Seminar, October, 1973 (Mock Trial)
Condominium Seminar, October 1974 (Developer's Viewpoint) Presented by The Society of Real Estate Appraisers

January, 1979

(CLARK FOWNES MacKENZIE, S. R. A.)

Page two

APPRAISED FOR:

Baltimore County Board of Education
Baltimore County Revenue Authority
Baltimore County Bureau of Land Acquisition
Baltimore County Solicitors Office
Baltimore Gas and Electric Company
Baltimore Life Insurance Company
Bendix Corporation
Chesapeake National Bank
Circuit Court of Baltimore County
County Appraisers, Inc.
Department of Law - State of Maryland
Department of Public Improvements - State of Maryland
Getty Oil Company
Goucher College
Martin-Marietta Company
Maryland State Highway Administration
Mobil Oil Corporation
Office of Law - Anne Arundel County
Real Estate Department of Baltimore City
Relisterstown Federal Savings and Loan Association
Shell Oil Company
Toll Facilities Division, Maryland State Highway Administration
Attorneys and Landowners

Over Seven Hundred Fifty appraisals in the last fifteen years; combined appraised value exceeding \$350,000,000.00. These appraisals include residential, industrial and commercial properties for condemnation, mortgage, estate and tax purposes.

QUALIFIED AS REAL ESTATE EXPERT BEFORE:

Courts:
Anne Arundel County Circuit Court
Baltimore County Circuit Court
Howard County Circuit Court
Tax Appeals Court - Baltimore County, Maryland

Zoning:
Baltimore County Zoning Commissioner
Baltimore County Zoning Board of Appeals
Howard County Zoning Board of Appeals
Town Council - Easton, Maryland
Baltimore City Zoning Board of Appeals
Public Service Commission - State of Maryland

January, 1979

DEVELOPMENT EXPERIENCE:

Commercial:

Scotts Corner Shopping Center
Ridgely Plaza Shopping Center
Garrison Forest Plaza Shopping Center
Tred Avon Square Shopping Center
Carney Village Shopping Center
Shamrock Industrial Building
MacKenzie Office Building
Crocker Industrial Building
Kenilworth Bazaar Shopping Mall
The Bosley Office Building
Scott Adam Village
Central Savings Bank Building (Severna Park)
232 Cockeysville Road Office Building
609 Bosley Avenue Office Building
The Berkshire Office Building
Green Spring Village Professional Building
Padonia Park Retail Center

Residential:

Stillpond (Condominiums - #4)
The Beeches (Condominiums - 61)
Stone Oaks (Condominiums - 40)
Greencroft (Large Lot Subdivision)

January, 1979

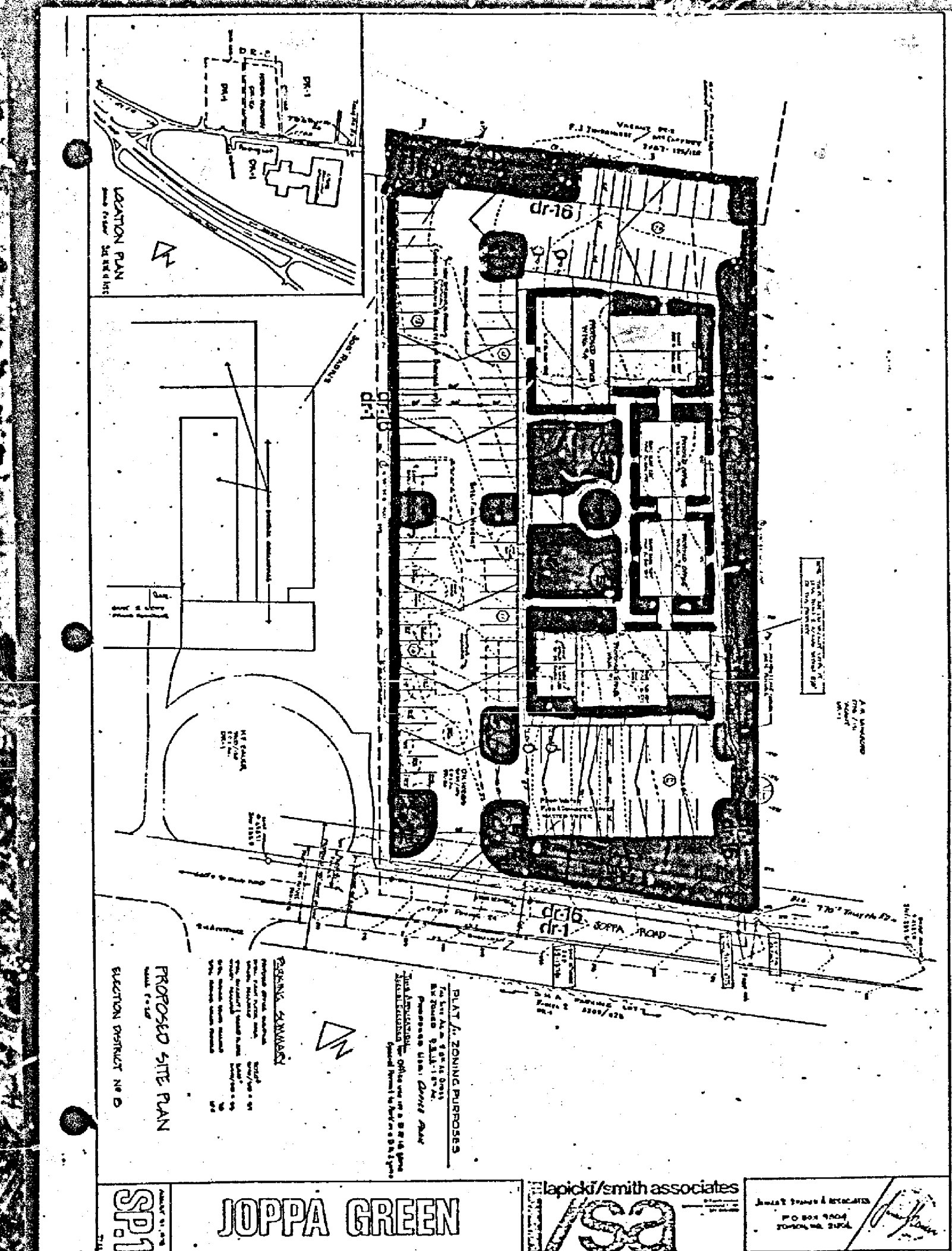
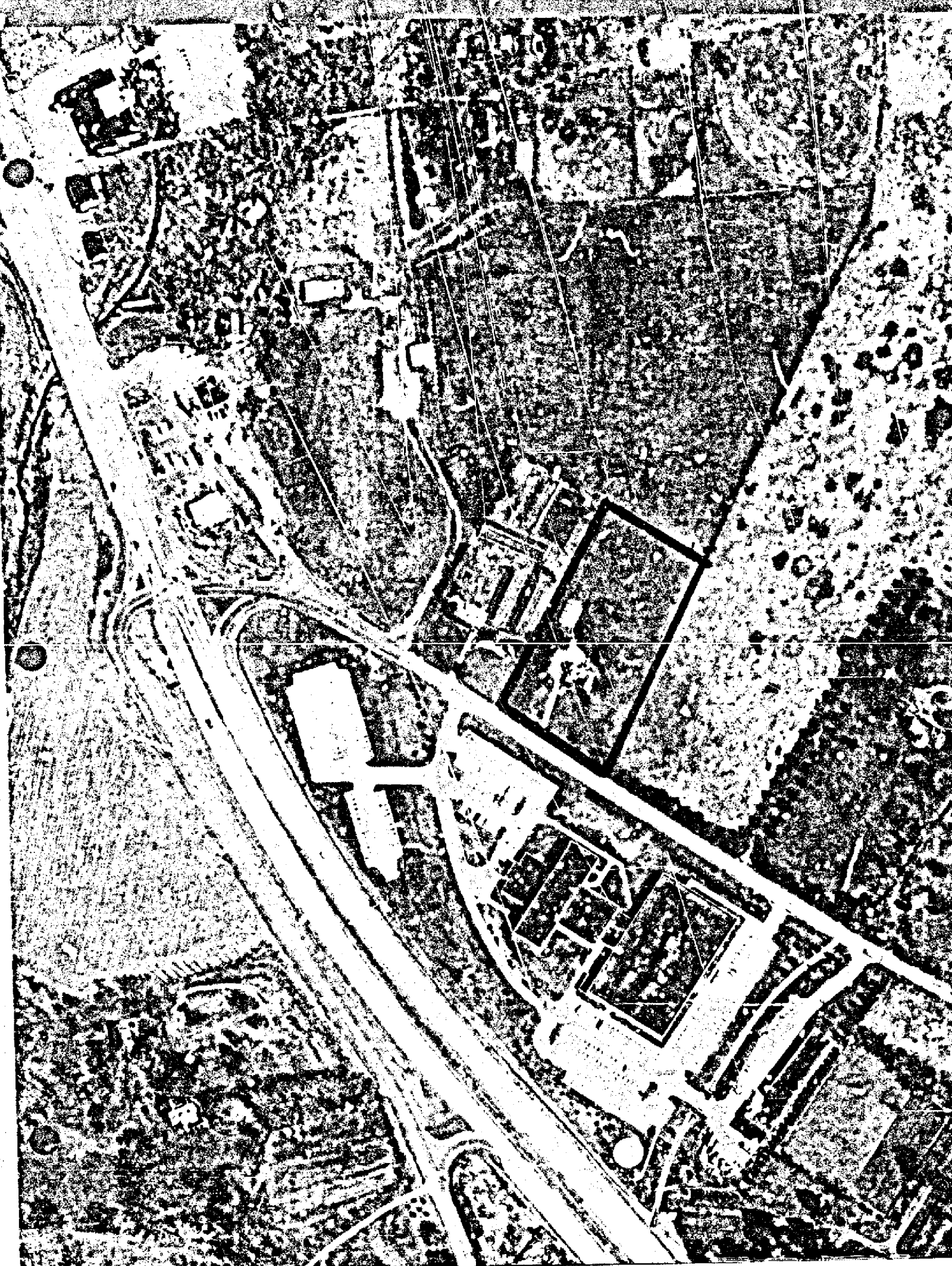
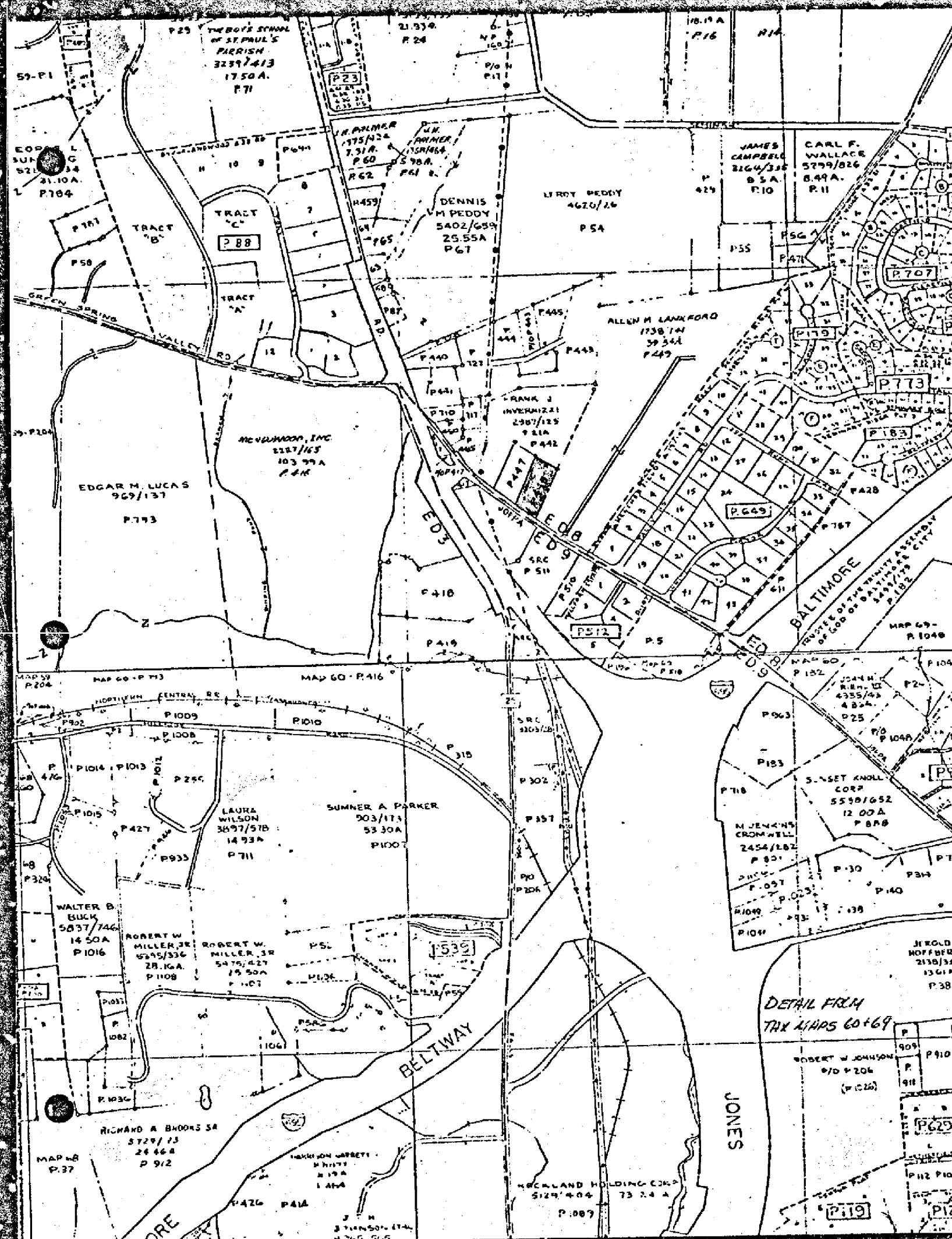
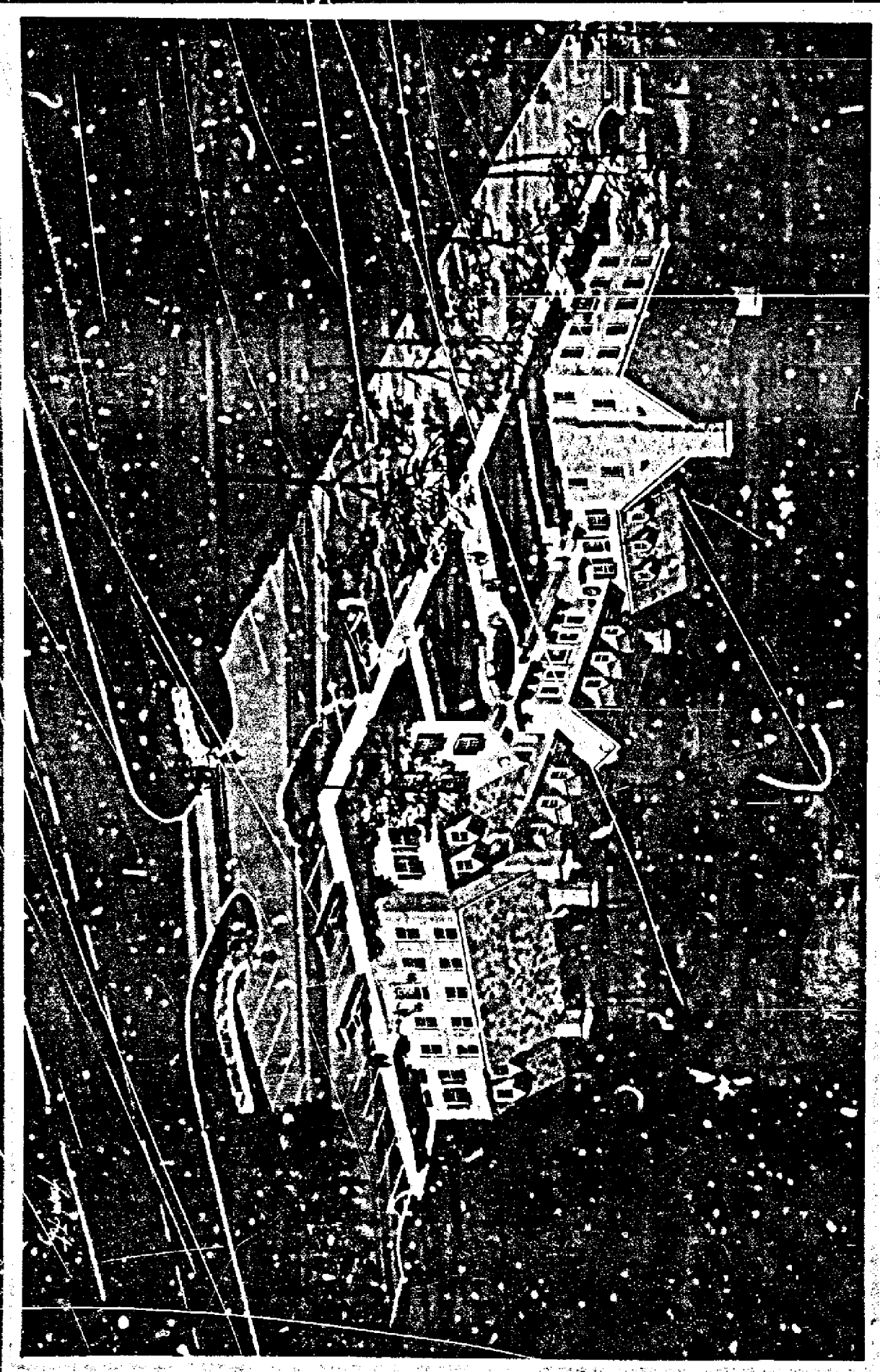


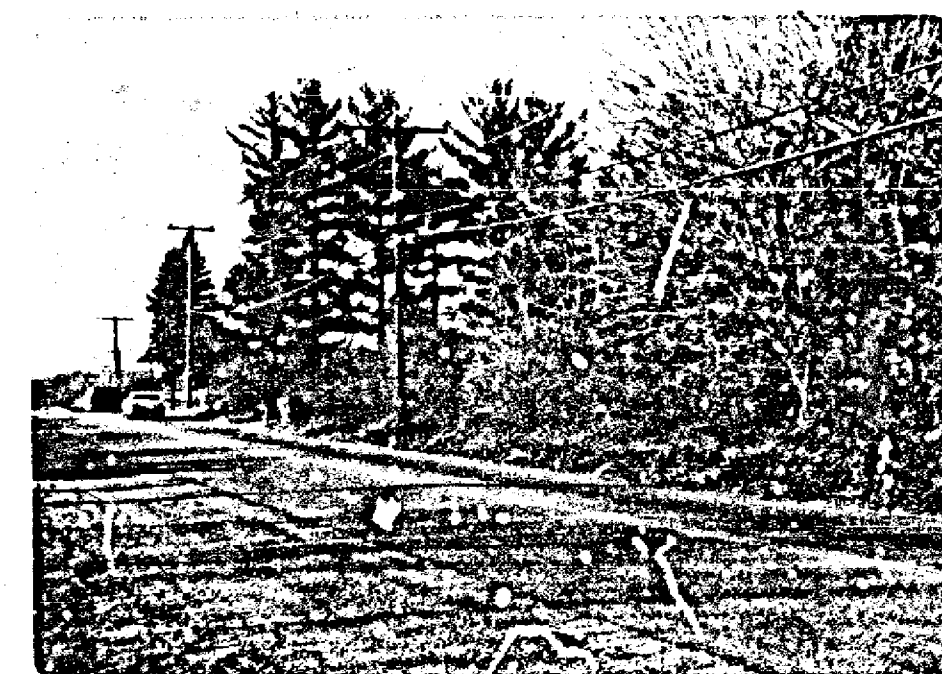
Exhibit A - p. 1



DONALD H. HOBBS PROPERTY



PHOTOGRAPH #1
Looking in a northerly direction across Joppa Road at the front of the subject property showing the front entrance, front of the house and two zoning notices.



PHOTOGRAPH #2
Looking in a northwesterly direction at the frontage along the north side of Joppa Road showing the fire hydrant at the southeast corner of the property plus the existing screening along the road. Note also the two zoning signs near the mailboxes at the entrance to the property.



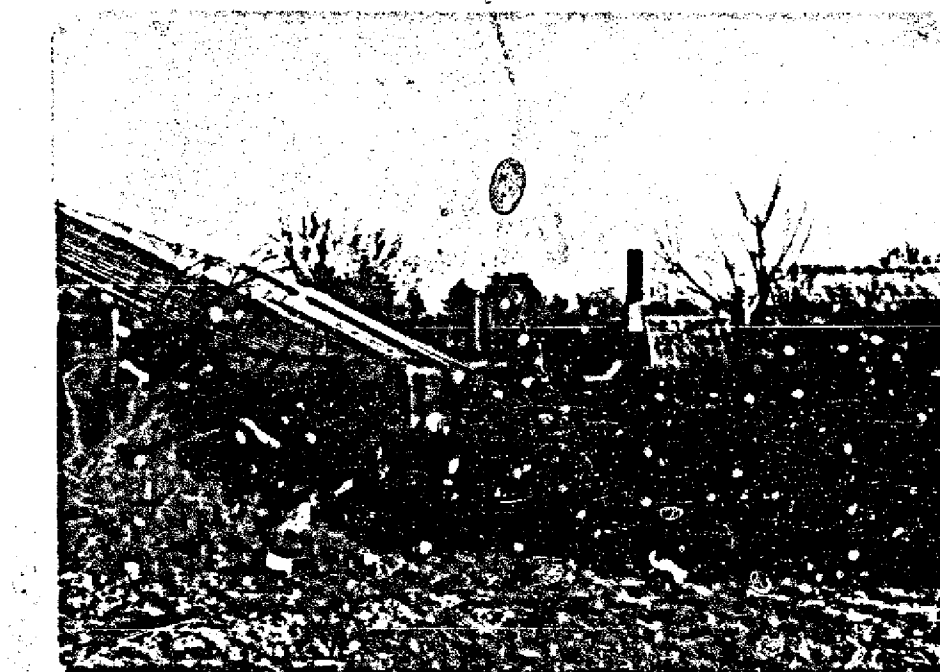
PHOTOGRAPH #3
Looking in a southerly direction at the rear of the existing 1 1/2 story dwelling.



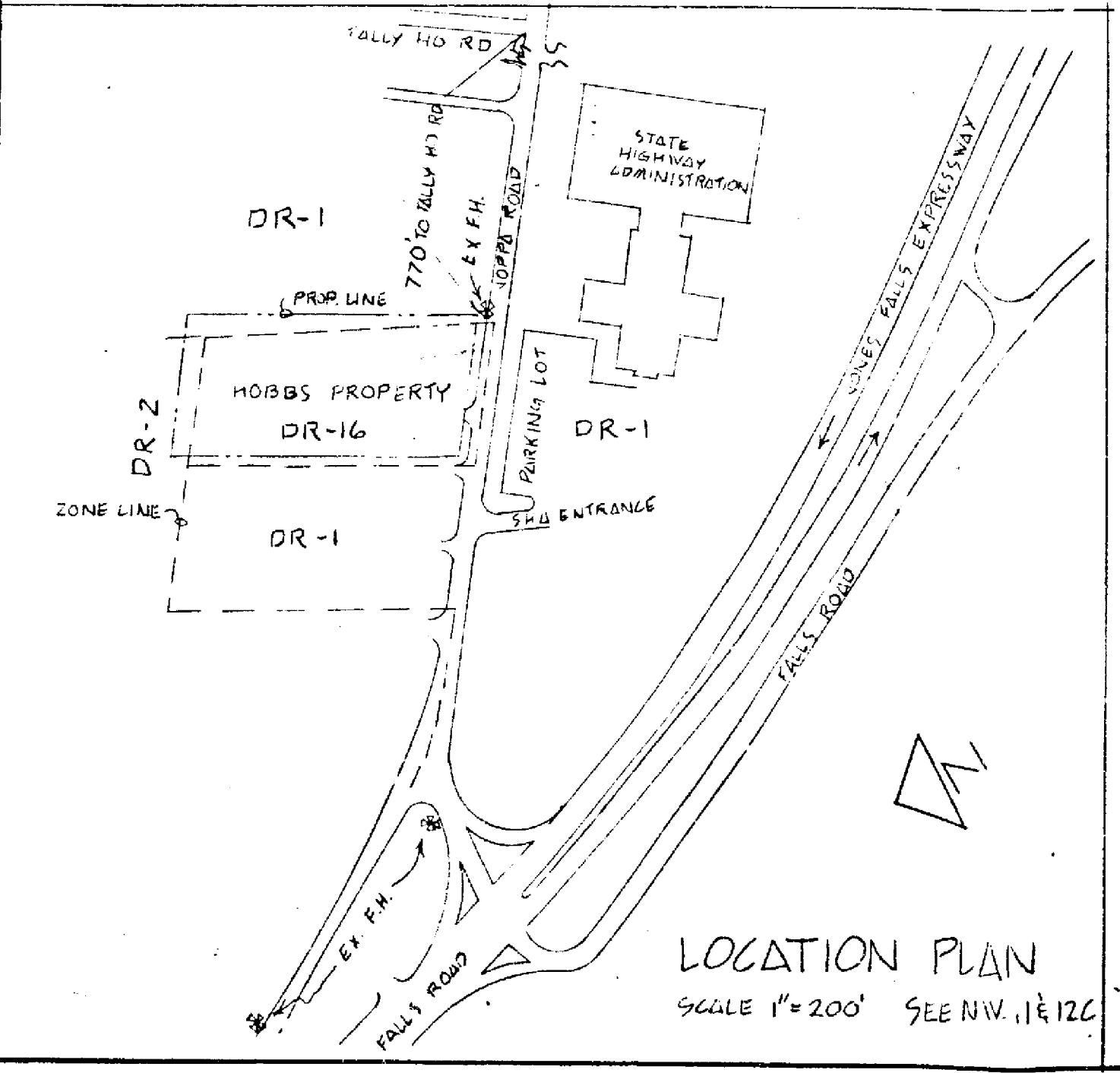
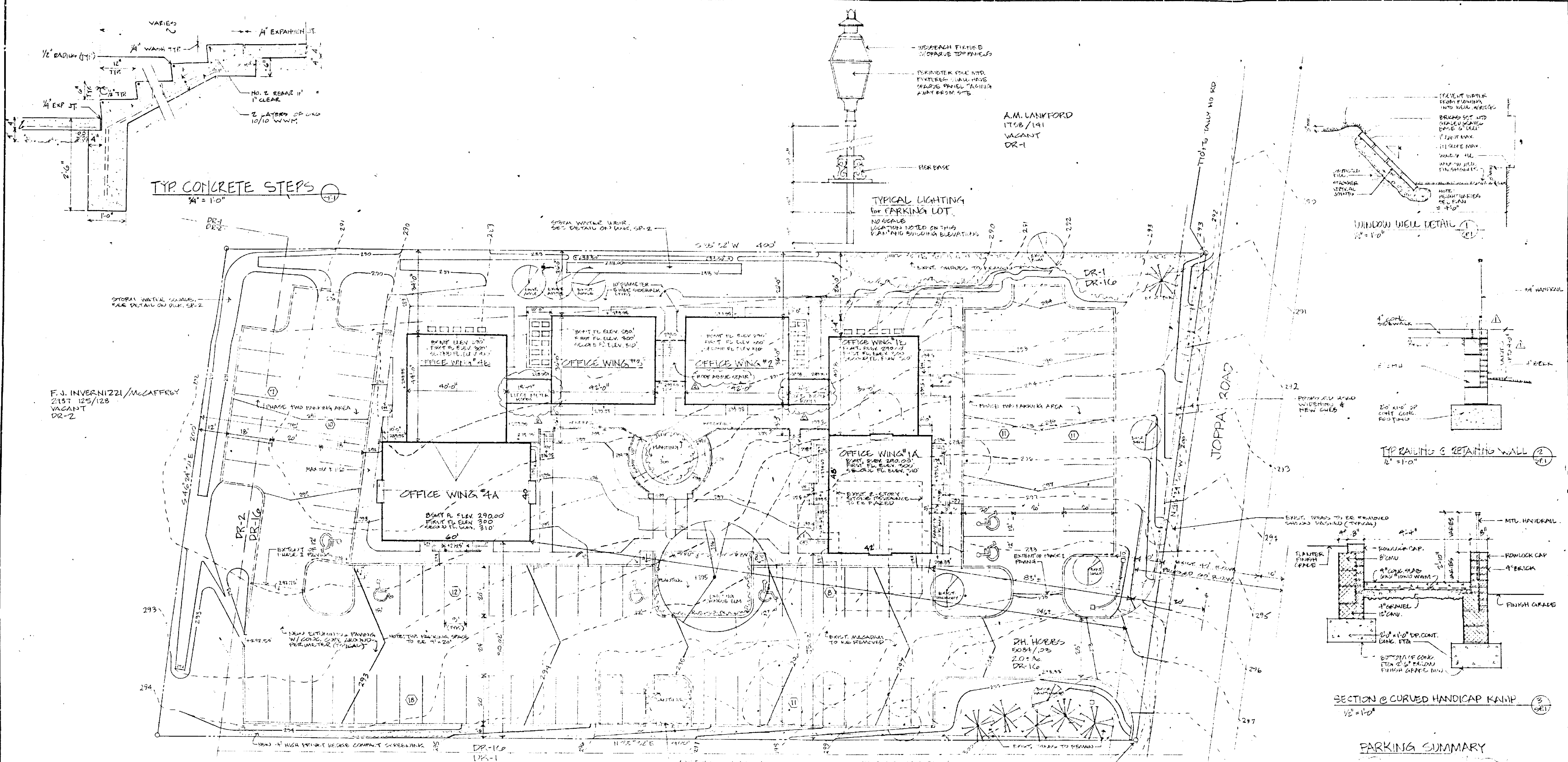
PHOTOGRAPH #4
Looking in a westerly direction at the 1 story, concrete block garage which has been converted into a small stable.



PHOTOGRAPH #5
Looking in a northerly direction from the parking lot of the State Highway Administration toward the greenhouses adjacent to the west property line.



PHOTOGRAPH #6
Looking in an easterly direction at several other greenhouses located on the Bauer property. This photograph is taken from the driveway to the Valley Driving Range.



PLANS APPROVED
OFFICIAL ZONING
BY *[Signature]*
DATE 11/25/89
ZONING COMMISSIONER
80-212-A
C-130S-80

PARKING SUMMARY

PROPOSED OFFICE BUILDING #	FIRST FLOOR (OFFICE)	SECOND FLOOR (OFFICE)
PROPOSED OFFICE BUILDING #1A	2010	2010
PROPOSED OFFICE BUILDING #1B	1404	970
PROPOSED OFFICE BUILDING #2	1512	1008
PROPOSED OFFICE BUILDING #3	1512	1008
PROPOSED OFFICE BUILDING #4A	2420	2420
PROPOSED OFFICE BUILDING #4B	1700	1252
TOTAL FIRST FLOOR OFFICE SPACE	10058	
TOTAL SECOND FLOOR OFFICE SPACE		5668
TOTAL OFFICE SPACE	10058	5668
TOTAL PARKING SPACES REQUIRED	1576	
TOTAL PARKING SPACES PROVIDED	1576	

SITE PLAN

SCALE: 1"=20'

ELECTION DISTRICT No 8

JOPPA GREEN

lapicki/smith associates
617 Park Avenue
Baltimore, Maryland 21201
301 985-4900

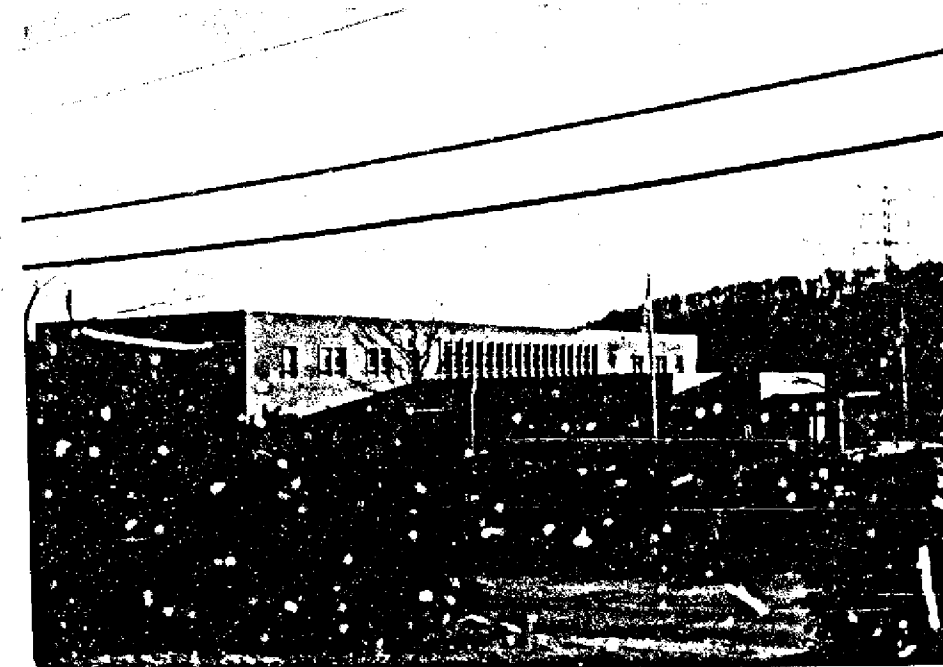
DATE: AUGUST 4, 1990
REVISED: OCTOBER 19, 1990
DATE: OCTOBER 30, 1990
DATE: NOVEMBER 21, 1990

SITE PLAN
PARKING SUMMARY
SITE DETAILS
LOCATION PLAN

SP1



PHOTOGRAPH #7
Standing in the center of the subject property, looking in a northerly direction showing the green fence at the rear property line and the driving range beyond.



PHOTOGRAPH #8
Standing in the driveway of the subject property looking in a southerly direction across Joppa Road towards the State Highway Administration Bldg. Note the Balto. Gas & Electric high tension line in the right-hand portion of the photograph. This line runs in a north-south direction just west of the subject tract.



PHOTOGRAPH #9
Standing in the center of the property looking in a westerly direction showing some of the greenhouses along the western boundary and the high tension tower line in the left-hand portion of the property.



PHOTOGRAPH #10
Looking in an easterly direction from the center of the property showing the cornfield adjacent to the eastern property line.

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

cc: Lapicki/Smith Associates
617 Park Avenue
Baltimore, Maryland 21201

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 28th day of January, 1980.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Donald H. Hobbs

Petitioner's Attorney: R. Bruce Alderman

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>OD</u>										
Previous case: <u>79-151 X</u>										
Revised Plans: Change in outline or description										
Map #										

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: June 27, 1980
Posted for: APPEAL
Petitioner: DONALD H. HOBBS
Location of property: NE/4 OF JOPPA RD., 770' NW OF TALLY HO ROAD
Location of Signs: NE/4 OF JOPPA RD., 895' +/- NW OF TALLY HO RD.
Remarks: Thomas E. Roland
Posted by: Thomas E. Roland Date of return: July 3, 1980
Number of Signs: ONE

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 22 day of Jan, 1980.

Filing Fee \$ 2.25 Received: ☒ Check
☐ Cash
☐ Other

WILLIAM E. HAMMOND, Zoning Commissioner

Petitioner: Donald H. Hobbs

Submitted by: H. Ham

Petitioner's Attorney: R. Bruce Alderman

Reviewed by: OD

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 86350

DATE: March 24, 1980 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: R. Bruce Alderman, Esquire

FOR: Filing Fee for Case No. 80-212-A

3901R 25 25.00

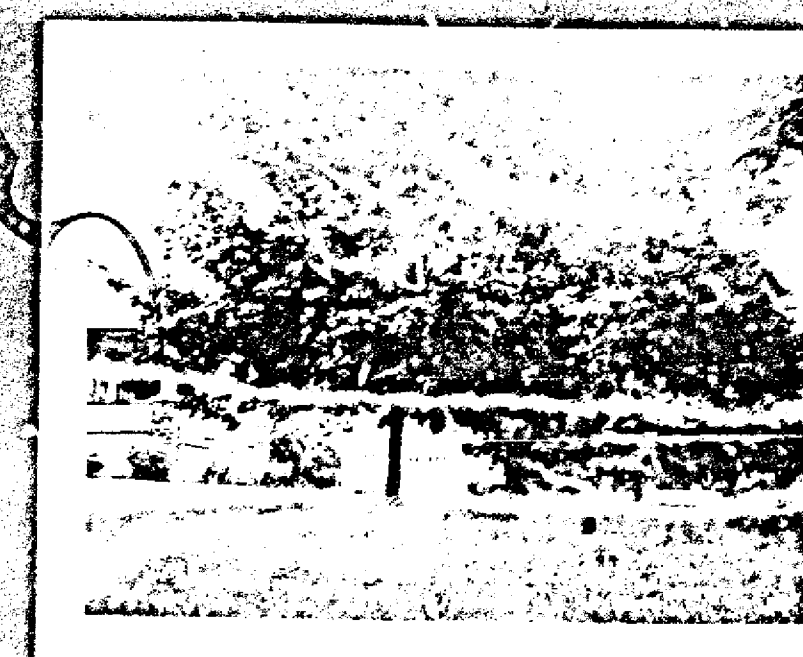
VALIDATION OR SIGNATURE OF CASHIER

80-212-A
(Item No. 151)

NE/4 of Joppa Rd., 770' NW
of Tally Ho Road

Donald H. Hobbs

1-SIGN



PETITION FOR VARIANCE

8th District
Zoning: Petition for Variance.
Location: Northeast side of Joppa road, 770 feet northwest of Tally Ho road.
Date & Time: Tuesday, April 22, 1980 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Variance to permit a building in a D.R. 16 zone to be located within 25 feet of adjoining land zoned other than D.R. 16 in lieu of the required 75 feet.

The Zoning Regulations to be excepted as follows:
Section 1902.25: In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3, D.R. 5, D.R. 10, D.R. 15 and which is not within the same development tract.

All that parcel of land in the Eighth District of Baltimore County.

BEGINNING for the same at a point on the northeast side of Joppa road 770 feet more or less from Tally Ho road and at the beginning of the first line of the parcel of land conveyed to Donald H. Hobbs by Deed dated April 8, 1970 and recorded in Liber 5084 Folio 108 and running thence bounding on Joppa road.

1. North 40° 24' 30" west 200.00 feet, thence parallel to the aforesaid first line.

2. North 29° 52' west 400.00 feet, thence parallel to Joppa road.

3. South 40° 24' 30" east 200.00 feet to said first line, thence

4. South 35° 32' west 400.00 feet to the place of beginning. Saving and excepting all that land now zoned D.R. 16.

Being the property of Donald H. Hobbs, as shown on plan filed with the Zoning Department.

Hearing Date: TUESDAY, APRIL 22, 1980 AT 10:45 A.M.
Public Hearing - Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

BY ORDER OF WILLIAM E. HAMMOND
Zoning Commissioner of Baltimore County

The Essex Times

Essex, Md., April 3, 1980

This is to Certify, That the annexed

Petition

was inserted in The Essex Times, a newspaper

printed and published in Baltimore County, once in

each of one successive

weeks before the 3rd day of

April, 1980

Signature of Publisher.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: APRIL 4, 1980

Posted for: PETITION FOR VARIANCE

Petitioner: DONALD H. HOBBS

Location of property: NE/4 JOPPA ROAD, 770' NW TALLY HO ROAD

Location of Signs: NE/4 JOPPA RD, 895' +/- NW OF TALLY HO RD.

Remarks:

Posted by: Thomas E. Roland

Date of return: APRIL 11, 1980

1-SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 088358

DATE: June 18, 1980 ACCOUNT: 01-662

AMOUNT: \$10.00

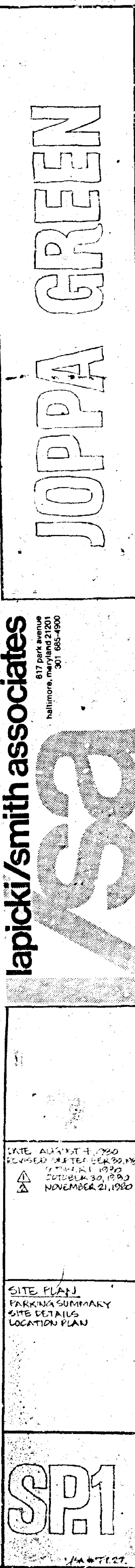
RECEIVED FROM: Jordan Jensen

FOR: Filing Fee for Appeal of Case No. 80-212-A

441965X 19 40.00

VALIDATION OR SIGNATURE OF CASHIER





MICROFILMED

191 81-218-A 151 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Donald H. Hobbs, legal owner, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.2C to permit a building in a D.R. 16 zone to be located within 25' of adjoining land zoned other than D.R. 16 in lieu of the required 75'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Strict compliance with the Regulations would cause the Petitioner practical difficulty and unreasonable hardship due to the size and configuration of the property in light of a recent Circuit Court opinion in miscellaneous law case #5873 determining that the previous interpretation by planning and zoning authorities that the 75 feet setback defined in the above stated section, did not apply to office buildings, was illegal.
2. That the requested variances are in spirit and harmony with the Zoning Regulations and will in no way affect the public health, safety and general welfare of the area involved, but will, in fact, be of benefit to the area.

MAP 3C
NO. 11, 12 C
RECORD 8
DATE 1-24-80
FILE
10/18/80
11/18/80

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

DATE 10/19/80
ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 28th day of January, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1980, at 10:15 o'clock A.M.

Donald H. Hobbs
Legal Owner
Address: 16 Palmer Green Court
Baltimore, MD. 21210
Bruce Alderman
Petitioner's Attorney
Address: 305 West Chesapeake Ave.
Towson, MD. 21204
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 9, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 151
Petitioner - Donald H. Hobbs
Variance Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This Variance request originates from a recent Court Order which stated that any building constructed in a D. R. 16 Zone must be located at least 75 feet from any other D. R. zoned land. This property was the subject of a recent zoning hearing (Case No. 79-151-XSPH).

A Special Exception to construct an office building and a Special Hearing for off-street parking were granted with restrictions. It should be noted that if this petition is granted, the restrictions as stated in the aforementioned case, must be satisfied in the development of this property.

Particular attention should be afforded to the comments from the Department of Permits and Licenses and the Fire Department. If you have any questions concerning these comments, you may contact Mr. Ted Barnham at 494-3987 and Captain Joseph Kelly at 494-3985, respectively.

Item No. 151 - Hobbs
Page Two

Enclosed are all comments submitted to this office from the Committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

Enclosures

cc: Lapicki/Smith Associates
617 Park Avenue
Baltimore, Maryland 21201

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 3, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #151 (1979-1980)
Property Owner: Donald H. Hobbs
N/SE Joppa Rd. 770' N/W Tally Ho Rd.
Existing Zoning: DR 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.
Acres: 1.8 District: 8th Previous Cases: 79-151, XSPH (Item No. 68, 1978-1979); 76-144 XSPH (Item No. 95, 1975-1976)

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied for this property, for Project IDCA 78-52X, and in connection with the Zoning Advisory Committee review for Item 95 (1975-1976), 76-144 XSPH and Item 68 (1978-1979), 79-151 XSPH are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 151 (1979-1980).

Very truly yours,

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

S-S Key Sheet
44 & 45 NW 10 Pos. Sheets
NW 11 & 12 C Topo
60 Tax Map

Attachments

December 4, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 68 (1978-1979)
Property Owner: Donald H. Hobbs
N/SE Joppa Rd. 770' N/W Tally Ho Rd.
Existing Zoning: D.R. 16, D.R. 1 & D.R. 2
Proposed Zoning: Special Exception for offices (IDCA No. 78-52X) and Special Hearing for off street parking in a residential zone.
Acres: 2.0 District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied for this property for Project IDCA 78-52X and for Zoning Item 95 (1975-1976).

Highways:

Joppa Road, an existing County road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations shall be subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item 68 (1978-1979)
Property Owner: Donald H. Hobbs
Page 2
December 4, 1978

Water and Sanitary Sewer:

There is public 12-inch water main and 8-inch sanitary sewerage in Joppa Road serving the present residence on this property, which is tributary to the Jones Falls sanitary sewer system, subject to State Health Department regulations.

The Petitioner is responsible for the cost of capping and plugging any existing water main or sanitary sewer services connection, due to the proposed razing of the present dwelling on this property, not used to serve the proposed office complex.

Very truly yours,
(SIGNED) EDWARD A. MCDONOUGH
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

S-S Key Sheet
44 & 45 NW 10 Pos. Sheets
NW 11 & 12 C Topo
60 Tax Map

Attachment

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
December 22, 1975

Bureau of Engineering
ELLSWORTH N. DIVER, P.E., CHIEF

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 68 (1975-1976)
Property Owner: Donald H. Hobbs
N/SE of Joppa Rd., 770' N/W of Tally-Ho Rd.
Existing Zoning: Parcel 1 - D.R. 16
Parcel 2 - D.R. 2
Proposed zoning: Special Hearing for off street parking in a residential zone and a Special Exception for an office building.
No. of Acres: Parcel 1 - 1.703
Parcel 2 - 0.114
District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Joppa Road, an existing County road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Highway improvements, including highway right-of-way widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering. The submitted plan must be revised accordingly.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

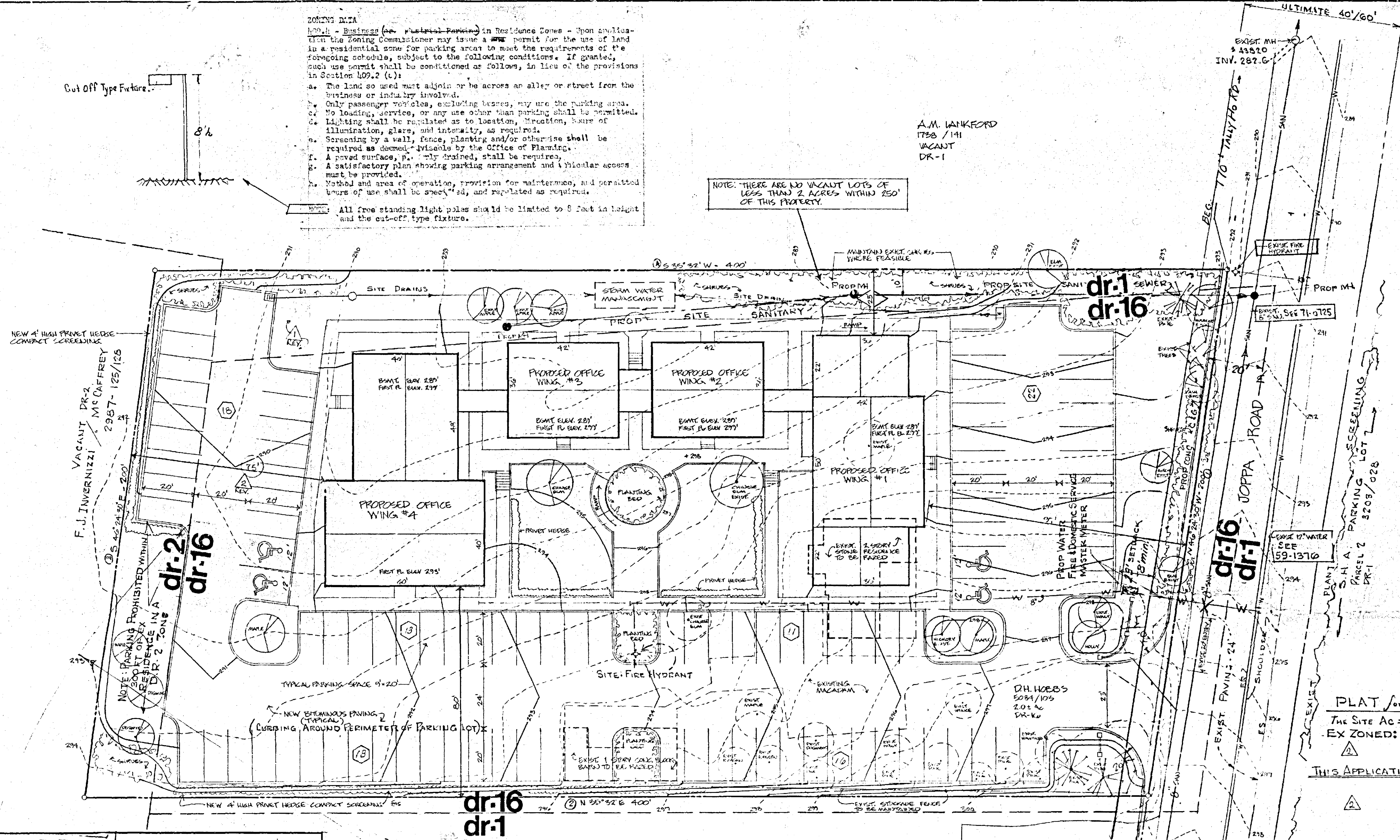
ZONING DATA
 100.2 - Business (see Residential Parking) in Residence Zones - Upon application the Zoning Commissioner may issue a **DR-1** permit for the use of land in a residential zone for parking areas to meet the requirements of the foregoing schedule, subject to the following conditions. If granted, such use permit shall be conditioned as follows, in lieu of the provisions in Section 100.2 (c):

- The land so used must adjoin or be across an alley or street from the business or industry involved.
- Only passenger vehicles, excluding buses, may use the parking area.
- No loading, service, or any use other than parking shall be permitted.
- Lighting shall be regulated as to location, location, hours of illumination, glare, and intensity, as required.
- Screening by a wall, fence, planting and/or otherwise shall be required as deemed advisable by the Office of Planning.
- A paved surface, fully drained, shall be required.
- A satisfactory plan showing parking arrangement and vehicular access must be provided.
- Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required.

All free standing light poles shall be limited to 8 feet in height and the cut-off type fixture.

NOTE: THERE ARE NO VACANT LOTS OF LESS THAN 2 ACRES WITHIN 250' OF THIS PROPERTY.

A.M. WANKFORD
 1738 / 141
 VACANT
 DR-1



PLAT FOR ZONING PURPOSES
 THE SITE AC = 2.0 AC GROSS
 EX ZONED: DR-1G (1.8 AC) WITH SPECIAL EXCEPTION FOR OFFICE USE PER RULING NO. 79-151-XEPH DATED 17 JAN 1980
THIS APPLICATION:
 VARIANCE TO SECTION 1802.2C TO PERMIT:
 25' SIDEYARD ON EAST PROPERTY LINE IN LIEU OF 75'

PARKING SUMMARY

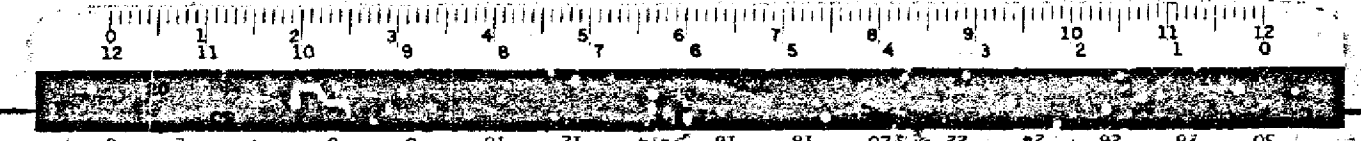
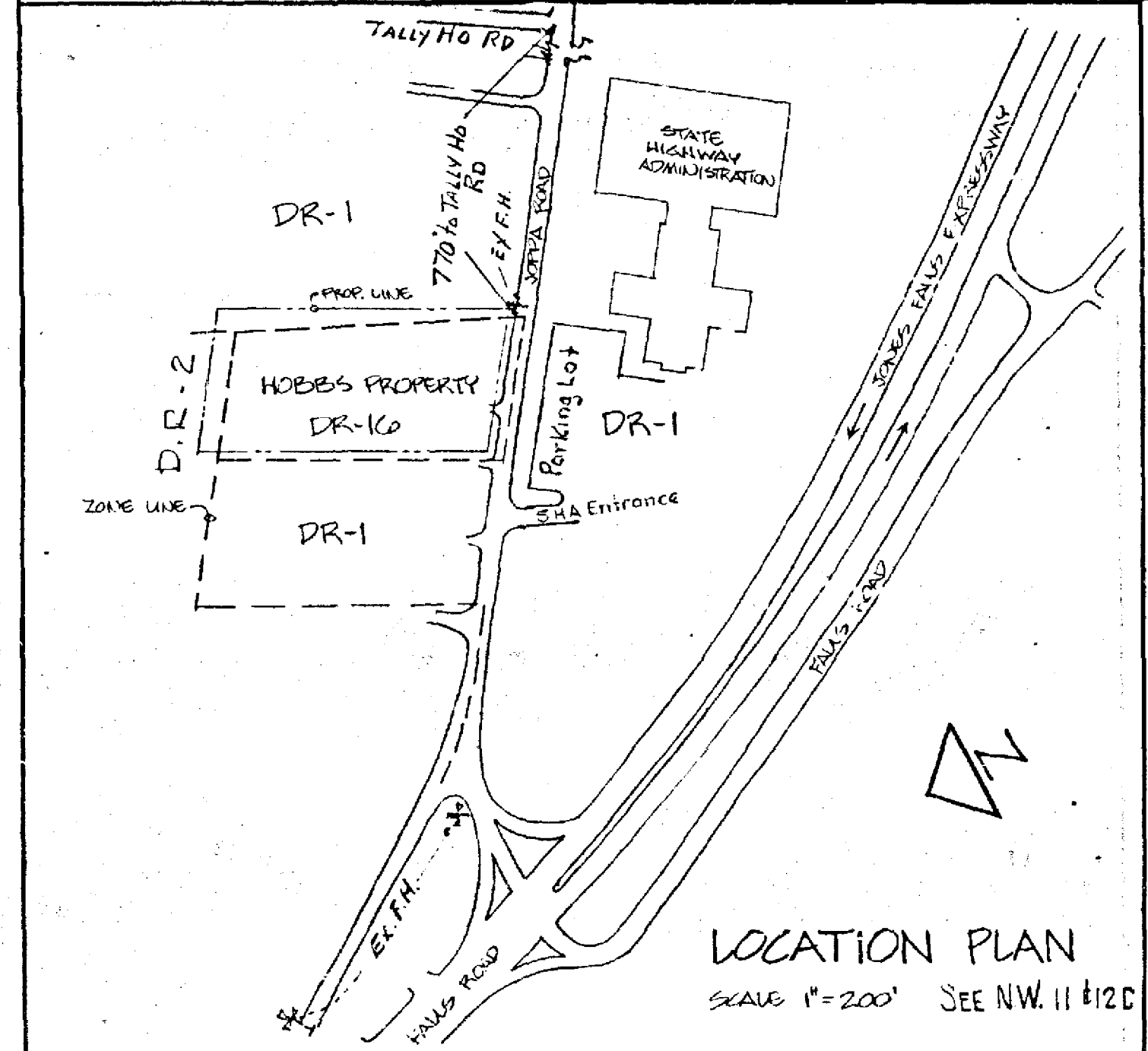
PROPOSED OFFICE BUILDING	11020#
TOTAL FIRST FLOOR AREA	11020/500 = 22
TOTAL SECOND FLOOR AREA	11020/500 = 22
TOTAL PARKING SPACES REQUIRED	44
TOTAL PARKING SPACES PROVIDED	98

APR 30 1980
 BY [Signature]
 TITLE [Title]

PROPOSED SITE PLAN
 SCALE 1" = 20'

ELECTION DISTRICT No 8

NOTE: PLAT UPDATED JAN 5 79 per ZAC Comments of Dec 26 78. See 4/6/80 409 Notes



lapicki/smith associates

JOPPA GREEN

RECEIVED 19 JAN 1980
 (SIDE YARD VARIANCE)
 REVISED APRIL 5 1979
 (REMOVED (2) PARKING SPACES FROM DR-1 ZONE)
 AUGUST 31, 1978
SP.1

JAMES S. SPANER & ASSOCIATES
 P.O. BOX 9804
 TOLSON, MD. 21204

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

1. The Petitioner designed the proposed improvements in accordance with the Comprehensive Manual of Development Policies referred to in Section 504.2 of the Baltimore County Zoning Regulations after its adoption by the Baltimore County Planning Board which established twenty-five feet as the acceptable setback for principal uses other than dwellings within zones of different classifications.
2. The subject site is adjacent to D.R.1 zoned land on the south, west, and east and D.R.2 zoned land on the north.
3. The only part of the improvements proposed that is twenty-five feet from a different classification is the unimproved tract of land on the east of the subject site.
4. The then Zoning Commissioner, S. Eric DiNenna, granted to the Petitioner a special exception for office buildings and offices on April 30, 1979, subject to restrictions as therein contained (Petitioner's Exhibit 3).
5. As the result of an appeal, the County Board of Appeals of Baltimore County affirmed the Order of the Zoning Commissioner on January 17, 1980, subject to restrictions as therein contained (Petitioner's Exhibit 4).
6. Prior to the Board of Appeals signing its Order, Judge Edward A. DeWater, Jr., of the Circuit for Baltimore County, in Miscellaneous Law Case No. 5873, determined that the conflict between the requirements contained in V.B.2 of the Comprehensive Manual and Section 1B02.2.C of the Zoning Regulations "must be resolved in favor of existing zoning regulations..."
7. Section 1B02.2.C of the Zoning Regulations states "In a D.R.16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R.1, D.R.2..."
8. Strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.
9. The granting of the variance will not adversely affect the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of May, 1980, that the herein Petition for Variance to permit a building within twenty-five feet of land zoned other than D.R.16 in lieu of the required seventy-five feet should be and the same is GRANTED, from and after the date of this Order, subject, however, to compliance with the terms, conditions, and provisions of the Zoning Commissioner's Orders dated April 30, 1979, and amended May 2, 1979, and the Board of Appeals' Order dated January 17, 1980, all referring to Case No. 79-151-XSPH.

[Signature]
Zoning Commissioner of
Baltimore County

 **Maryland Department of Transportation**
State Highway Administration

James J. O'Donnell
Secretary
W. S. Caltrider
Administrator

February 14, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: Z.A.C. Meeting, Feb. 5, 1980
ITEM: 151.
Property Owner: Donald H. Hobbs
Location: NE/S Joppa Rd.,
770' NW Tally Ho Rd., 660',
E of Falls Rd. (Route 25)
Existing Zoning: D.R. 16
Proposed Zoning: Variance to
permit a side setback of
25' in lieu of the required
75'.
Acres: 1.8
District: 8th
Previous Cases: 79-151-
XSPH (Item No. 68, 1978-79);
76-144-XSPH (Item No. 95,
1975-76)

Dear Mr. Hammond:

The State Highway Administration has been experiencing traffic problems along Falls Road, in the subject area, due to increased development in recent years. The subject proposal is for a rather large office complex, 600' from Falls Road, that is expected to generate approximately 2000 vehicles per day. This can only compound the problems. At present, there are no funds available for any appreciable improvements to the State highway.


Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

CLJEM:vrđ

By: *[Signature]*
John E. Meyers

My telephone number is (301) 383-4320

P.O. Box 717 / 200 West Preston Street, Baltimore, Maryland 21203

 **BALTIMORE COUNTY
DEPARTMENT OF HEALTH**
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

March 25, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 151, Zoning Advisory Committee meeting of February 5, 1980, are as follows:

Property Owner: Donald H. Hobbs
Location: NE/S Joppa Road 770' NW Tally Ho Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.
Acres: 1.8
District: 79-151-XSPH (Item No. 68, 1978-79);
76-144-XSPH (Item No. 95, 1975-76)

Metropolitan water and sewer are available. Prior to construction of the proposed office buildings, the existing sewage disposal system must be located and abandoned in an approved manner.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,
[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/zw

CC--Air Pollution

 **baltime county
department of traffic engineering**
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

April 17, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 151 - ZAC - Meeting of February 5, 1980
Property Owner: Donald H. Hobbs
Location: NE/S Joppa Road 770' NW Tally Ho Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.

Acres: 1.8
District: 8th
Previous Cases: 79-151-XSPH (Item No. 68, 1978-79); 76-144-XSPH (Item No. 95, 1975-76)

Dear Mr. Hammond:


The requested variance to the side setback is not expected to cause any traffic problems.

Very truly yours,

[Signature]
Michael S. Flanigan
Traffic Engineering Associate II

MSF/mjm

[Handwritten note]
99-151-XSPH

 **BALTIMORE COUNTY
FIRE DEPARTMENT**
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

February 27, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Donald H. Hobbs

Location: NE/S Joppa Rd. 770' NW Tally Ho Rd.


Item No: 151 Zoning Agenda: 2-5-80

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (x) 2. A second means of vehicle access is required for the site. Wing #2 & Wing #3 inaccessible for fire apparatus.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

 **BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING**
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

March 11, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #151, Zoning Advisory Committee Meeting, February 5, 1980, are as follows:


Property Owner: Donald H. Hobbs
Location: NE/S Joppa Rd. 770' NW Tally Ho Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.
Acres: 1.8
District: 8th
Previous Cases: 79-151-XSPH (Item #68, 1978-79); 76-144-XSPH (Item #95, 1975-76)

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

[Signature]
John L. Wimbley
Planner III
Current Planning and Development

 **baltime county
department of permits and licenses**
TOWSON, MARYLAND 21204
(301) 494-3610

Ted Zalecki, Jr.
DIRECTOR

February 4, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #151 Zoning Advisory Committee Meeting, February 5, 1980 are as follows:

Property Owner: Donald H. Hobbs
Location: NE/S Joppa Road 770' NW Tally Ho Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 75'.

Acres: 1.8
District: 8th
Previous CASE: 79-151-XSPH (Item No. 68, 1978-79) 76-144-XSPH Item 95, 1975-76
The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1978 Edition, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin. Raising, miscellaneous, others.
- X C. Additional _____ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____
- X J. Comment: Show curb ramps for Handicapped any building which exceeds 8000 sq. ft. or two stories shall be provided with an elevator. For the handicapped, basements if habitable will constitute a story. Please indicate type of construction and how the structure will comply with the height and area requirements for basements in the B.C.C.A. and State of Maryland Code. Note: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,
[Signature]
Charles E. Burnham, Chief
Plans Review

CEB:mj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent Towson, Maryland 21204

Date: February 7, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: February 5, 1980

RE: Item No. 151, 152, 153, 154, 155, 156, 157
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/S of Joppa Rd., 770' : OF BALTIMORE COUNTY
NW of Tally Ho Rd., 8th District :
DONALD H. HOBBS, Petitioner : Case No. 80-212-A

ORDER TO ENTER APPEARANCE

Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County
Court House, Rm. 223
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of April, 1980, a copy of the foregoing Order was mailed to R. Bruce Alderman, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204; and Mr. Clark F. MacKenzie, 10807 Falls Road, Lutherville, Maryland 21093, Contract Purchaser.

John W. Hessian, III
John W. Hessian, III

RE: PETITION FOR VARIANCE : BEFORE
from Sec. 1802.2C to permit : COUNTY BOARD OF APPEALS
a building in a DR 16 zone to be :
located within 25' of adjoining land : OF
zoned other than DR 16 in lieu of the : BALTIMORE COUNTY
required 75' :
NE/S of Joppa Rd., 770' NW of : No. 80-212-A
Tally Ho Road :
8th District :
Donald H. Hobbs, Petitioner :

ORDER OF DISMISSAL

Petition of Donald H. Hobbs for a variance from Section 1802.2C to permit a building in a DR 16 zone to be located within 25' of adjoining land zoned other than DR 16 in lieu of the required 75', on property located on the northeast side of Joppa Road, 770' northwest of Tally Ho Road, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed September 19, 1980, (a copy of which is attached hereto and made a part hereof) from the Protestants-Appellants in the above entitled matter.

WHEREAS, the said Protestants-Appellants request that the appeal filed on their behalf be dismissed and withdrawn as of September 19, 1980.

IT IS HEREBY ORDERED this 23rd day of September, 1980, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Leroy B. Spangler
Leroy B. Spangler

John A. Miller
John A. Miller

Donald H. Hobbs
Case No. 79-151-XSPH

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of January, 1980, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner dated April 30, 1979, be affirmed, and that the Special Exception petitioned for be and the same is hereby granted, subject to the following restrictions:

1. No more than thirty percent (30%) of the square footage of use shall be used for medical and/or dental offices.
2. Substantial compliance with site and architectural plans submitted with this petition must be adhered to.
3. Approval of the site plan by State Highway Administration, the Department of Public Works and the Office of Planning and Zoning.
4. Said Special Exception must be utilized within five years or become null and void.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Patricia Millhouser
Patricia Millhouser

IN THE MATTER OF THE PETITION * BEFORE THE BOARD OF APPEALS
FOR VARIANCE * OF BALTIMORE COUNTY
DONALD H. HOBBS, * No. 80-212-A. (Item No. 151)
Petitioner *

NOTICE OF DISMISSAL

MR. CLERK:

Please dismiss our appeal filed in the above entitled case.

Richard J. Flanagan
Richard J. Flanagan
8213 White Manor Road
Lutherville, Maryland 21093

Jorgen Jensen
Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093

RECEIVED
BALTIMORE COUNTY
SEP 19 1 07 PM '80
COUNTY BOARD
OF APPEALS

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Office Buildings and Offices : COUNTY BOARD OF APPEALS
PETITION FOR SPECIAL HEARING :
for parking in residential zone : OF
(DR 1 and DR 2) : BALTIMORE COUNTY
Northeast side Joppa Rd., 770' northwest :
of Tally Ho Road :
8th District :
Donald H. Hobbs, Petitioner : No. 79-151-XSPH

OPINION

This case comes before this Board on an appeal from an Order of the Zoning Commissioner granting the petition subject to a number of restrictions. The case was heard this day "De Novo" in its entirety.

The subject property is located on the northeast side of Joppa Road, 770' northwest of Tally Ho Road in the 8th Election District of Baltimore County. Subject property is 200'± by 400'±, containing a little less than two acres and is zoned D.R. 16. The property now is improved with a residence and a garage presently being utilized as a horse stable. The Petitioner seeks a Special Exception to construct an office complex on this site, totally new, all existing buildings to be razed. Exhibits presented at this hearing fully describe this intended use.

Testimony was received from Mr. Clarke MacKenzie, the developer of this project, as to all aspects of the intended use; from Mr. James Spamer, a registered professional engineer, as to the details of the site plan; from Mr. Donald D. Smith, the architect for the project, from Mr. John Erdman, a traffic engineer and from Mr. David Horn, a real estate expert, as to the effect of this proposed project on surrounding and adjacent properties. In the course of this testimony, the present use of all nearby properties was clearly explained. Basically this use was demonstrated to be commercial use on three sides, thru non-conforming use, special exception, or proper zoning with a farm type estate on the other boundary. Testimony was also received from several neighbors protesting the proposed use. The main thrust of their objections centered on their objection to any further encroachment of commercial use and the possible additional traffic it may generate.

Donald H. Hobbs
Case No. 79-151-XSPH

After careful consideration of all presented testimony and exhibits, the Board is of the opinion that the proposed use on this particular site is an acceptable use. All the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been satisfied by the testimony and evidence received. The question was raised during this hearing as to applicability of Section 1802.2C of the Baltimore County Zoning Regulations, which would require 75' set-back from the adjacent farm area.

The Board is cognizant of the fact that this section has been interpreted by the Baltimore County Office of Zoning as applicable only to apartment type projects. The Board is also aware of a recent decision by Judge DeWaters of the Baltimore County Circuit Court in Miscellaneous Law Case #5873 (1/11/80), which seemingly overrules and contradicts the existing policy cited above. In the subject case the Petitioner sought no variance for the setback which would be necessary if Section 1802.2(c) is applicable. Therefore, this issue is not before the Board. However, reflecting upon the above, please note particularly restriction #2 in the Order which follows hereafter. Whether or not this section is applicable is to have no bearing on the fact that the special exception is granted subject to "substantial compliance with the site and architectural plans submitted with this petition . . .".

It should also be mentioned that the proposed R. O. classification for office use in a residential area is recommended by the Planning Staff and Board at this time. In addition, this Board is of the opinion that the colonial type architecture proposed, while to be used as offices, generates an attractive residential type appearance and would thus constitute an acceptable buffer type use between the commercial and the residential areas. The Board also feels that the traffic differential between the proposed use and the possible use as apartments is not a major problem to this area. For all the reasons stated above, the Board is of the opinion that the Special Exception request for office use should be granted and will so order with restrictions. Since the submitted plans show no parking proposed for the very small D.R. 1 and D.R. 2 zones involved, this issue is considered moot.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Office Buildings and Offices, and : COUNTY BOARD OF APPEALS
SPECIAL HEARING for parking in a :
residential zone : OF
NE/S of Joppa Road 770' : BALTIMORE COUNTY
NW of Tally Ho Road :
8th District :
Donald H. Hobbs, Petitioner : No. 79-151-XSPH

SUPPLEMENTAL OPINION

This is a Supplemental Opinion and Order by the County Board of Appeals of Baltimore County in case #79-151-XSPH, Donald Hobbs, addressing the Special Hearing for parking in a residential zone only. In the original Opinion, dated January 17, 1980, this item was not included. On Petitioner's Exhibit #5 it should be noted that there is a small strip of D.R. 2 zoning that is to remain as a landscaped area, and this was addressed in the original Opinion. There was, however, a request for a small parcel for automobile parking that was not addressed in the original Opinion.

The request in this case is for nine (9) parking spaces along the northern property line. While the nearby properties are zoned residential, they enjoy legal non-conforming uses as a commercial florist and a golf driving range, so while they may appear on the zoning maps as residential they are, and have been for many years, of a commercial character, as are many other properties to the south and west of the subject site. For this reason the Board finds the proposed use acceptable and will so order. Hence, note particularly that this Supplemental Opinion addresses only the unanswered issue that was separately filed as the "Special Hearing for parking in a residential zone". The Board is satisfied that the testimony and evidence presented basically satisfied Sections 502.1 and 409.4 of the Zoning Regulations and, therefore, the off-street parking in this residential zone may be granted without violating the spirit and intent of these regulations. For these reasons, the Board will grant the request for these nine (9) off-street parking spaces.

Therefore:

WHEREAS, the Petitioner in the subject case requested a
"Special Hearing for parking in a residential zone"

WHEREAS, the Board received testimony and evidence concerning this requested parking;

WHEREAS, the Board, in its Opinion and Order, dated January 17, 1980, failed to address this petition;

The Board will issue an Opinion and Order addressing only the "Request for a Special Hearing for parking in a residential zone". This limited Order follows hereafter.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of February, 1980, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated April 30, 1979, be affirmed, and that the parking in a residential zone petitioned for, as shown on Petitioner's Exhibit #5, be and the same is hereby GRANTED.

The failure to address this issue in the original Order was the Board's omission. Hence, the Board will preserve the appeal time in the original Order, dated January 17, 1980, granting the requested special exception.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Patricia Millhouse
Patricia Millhouse

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
NE/S of Joppa Road, 770' NW of Tally :
Ho Road - 8th Election District :
Donald H. Hobbs - Petitioner : OF
NO. 79-151-XSPH (Item No. 68) : BALTIMORE COUNTY

... ..

... ..

This matter comes before the Zoning Commissioner as a result of a Petition for Special Exception for office buildings and offices and, additionally, a Petition for Special Hearing for a use permit for parking in residential (D.R.1 and D.R.2) zones, at the above location.

Testimony presented at the hearing indicated that a Special Exception and Special Hearing were previously petitioned for the subject property (Case No. 76-144-XSPH). The then Deputy Zoning Commissioner, George J. Martinak, denied said Petitions by Order dated January 27, 1976. The denying of the requested office building and offices and off-street parking in a residential zone was justified by an imposed sewer moratorium by the State of Maryland and the amount of square footage proposed.

It is well-founded that an administrative decision cannot be overturned by another administrative decision unless there has been a substantial change in the circumstances justifying same.

In the instant case, testimony on behalf of the Petitioner indicated that the sewer moratorium no longer exists, the height of the buildings as proposed is much lower, the proposed development is to be constructed in a colonial-type village office use, and the square footage is twenty-four per cent (24%) less than when previously requested.

Further testimony on behalf of the Petitioner indicated that the proposed development would not have a detrimental effect on the traffic in the immediate area. The number of trips per day will increase with the office use, but not to the extent that would cause a concentration of traffic

BOARD OF APPEALS
PETITIONER'S
EXHIBIT #2

on the intersecting streets of the area. Also, if the subject property were developed in its present classification (D.R.16), 28.8 apartment units could, in fact, be constructed. If developed as proposed, it would be an ideal buffer between the commercial uses to the west along Falls Road near Green-spring Avenue and the residential uses to the east.

It was further stipulated that the use permit for parking for the portion of land zoned D.R.1 is no longer needed.

Several area residents, in protest, indicated they were fearful that construction of this office complex would cause traffic congestion in the area.

Without reviewing the evidence further in detail but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the Special Exception should be granted. Likewise, pursuant to Section 500.7 of the aforementioned Regulations, the prerequisites of Section 409.4 have been met and the use permit for parking should also be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April, 1979, that both the Petition for Special Exception for office buildings and offices and the Petition for Special Hearing for a use permit for parking for the portion of land zoned D.R.2 should be and the same are hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

1. No more than thirty percent (30%) of the square footage of use shall be used for medical and/or dental offices.
2. Substantial compliance with the site plan submitted with this Petition.
3. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

IT IS FURTHER ORDERED that the Petition for Special Hearing for a

- 2 -

use permit for parking for the portion of land zoned D.R.1 be and the same is hereby DISMISSED without prejudice.

William T. Hackett
Zoning Commissioner of
Baltimore County

- 3 -

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : ZONING COMMISSIONER
NE/S of Joppa Road, 770' NW of Tally :
Ho Road - 8th Election District :
Donald H. Hobbs - Petitioner : OF
NO. 79-151-XSPH (Item No. 68) : BALTIMORE COUNTY

... ..

... ..

AMENDED ORDER**NUNC PRO TUNC**

IT IS HEREBY ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of May, 1979, that the Order, dated April 30, 1979, passed in this matter, should be and the same is hereby AMENDED, "Nunc Pro Tunc," to include the following restriction:

4. Said Special Exception must be utilized within five years or become null and void.

William T. Hackett
Zoning Commissioner of
Baltimore County

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 23, 1980

Mr. Jorgen Jensen, et al
8216 Tally Ho Rd.
Lutherville, Md. 21093

Gentlemen:

Re: Donald H. Hobbs
Case No. 80-212-A

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: R. Bruce Alderman
Richard J. Flanigan
Donald H. Hobbs
Mrs. Mary Ginn
Lawrence A. Naylor, Jr.
John W. Hession, Esq.
William E. Hammond
James E. Dyer

Re: 80-212-A
901145

GEORGE W. WHITE, JR.
CHARLES W. HILL
JOSEPH L. JOHNSON
R. BRUCE ALDERMAN
JOHN F. FOLEY, JR.
STANLEY L. HOLMES
PHILIP D. FORD
STEPHEN C. WINTER
JAMES D. STONE
EUGENE L. WILES, III
HOWARD D. BORDON
ROBERT J. LAVERGNE
ANNE LOVE ADAMS

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 828-1050

August 22, 1980

GEORGE L. CLARKE
(1928-1978)
COUNSEL
MORTON E. ADAMS
HARRY D. GRACE, MD. OFFICE
423 GREEN STREET, SUITE 8
(301) 939-3448

Re: Application for building permit
property on NE/S of Joppa Road,
770' NW of Tally Ho Road -
8th Election District

Dear Mr. Hammond:

This letter will confirm my understanding, as attorney for Donald H. Hobbs, legal owner of the above referenced property and Clark F. MacKenzie, Contract Purchaser and Developer that the building permit is being granted for construction of Phase I of the proposed development on the subject property, with the understanding that in the event the variance petitioned for in case #80-212-A (item #151), which variance was granted by you on April 22, 1980 and is presently pending before the Baltimore County Board of Appeals, is not affirmed on appeal, an appropriate petition for amendment of the site plan will be filed in the aforementioned case.

Sincerely,

R. Bruce Alderman
R. Bruce Alderman

RBA:sk
cc: James E. Dyer
Dr. Donald H. Hobbs
Clark F. MacKenzie

PETITION FOR VARIANCE
8th District

ZONING: Petition for Variance
LOCATION: Northeast side of Joppa Road, 770 feet Northwest of Tally Ho Road
DATE & TIME: Tuesday, April 22, 1980 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a building in a D.R. 16 zone to be located within 25 feet of adjoining land zoned other than D.R. 16 in lieu of the required 75 feet

The Zoning Regulations to be excepted as follows:

Section 1802.2C - In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5 or D.R. 10.5 and which is not within the same development tract

All that parcel of land in the Eighth District of Baltimore County

Being the property of Donald H. Hobbs, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 22, 1980 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

3/24/80

R. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance - Northeast side of Joppa Road, 770 feet Northwest of Tally Ho Road - Donald H. Hobbs - Case No. 80-212-A

TIME: 10:45 A.M.

DATE: Tuesday, April 22, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Clark F. MacKenzie
10807 Falls Road
Lutherville, Maryland 21093

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 10, 1980

R. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
NE/S Joppa Rd., 770' NW Tally Ho Rd
Donald H. Hobbs
Case No. 80-212-A

Dear Mr. Alderman:

This is to advise you that \$57.00 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
TO: John D. Seyffert, Director
Office of Planning and Zoning
FROM: Petition No. 80-212-A Item 151
SUBJECT: March 28, 1980

Petition for Variance
Northeast side of Joppa Road, 770 feet Northwest of Tally Ho Road
Petitioner - Donald H. Hobbs

Eighth District

HEARING: Tuesday, April 22, 1980 (10:45 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:ab

MacKenzie & Associates Inc.
President:
CLARK F. MACKENZIE
Vice Presidents:
GARY T. GILL
DAVID R. MORIN
Assistant Vice President:
JOHN F. EYRING III
Consulting Engineer:
GEORGE A. REIER

August 25, 1980

Mr. James E. Dyer, Zoning Supervisor
Baltimore County Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Shell Building Permits
#29817 and #29685
Joppa Green

Dear Mr. Dyer:

This is to confirm our understanding with respect to screening along the rear property line which abuts the Invernizzi property, which is presently being utilized as a golf driving range. In the event that the Invernizzi property is developed in the future for residential purposes, Joppa Green Limited Partnership agrees to screen their property from Invernizzi's in accordance with applicable zoning regulations.

Very truly yours,

[Signature]
Gary T. Gill, Agent for
Joppa Green Limited Partnership

GTG:nm

REALTORS • DEVELOPERS • CONSULTANTS
Green Spring Village Professional Building
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 828-1050

January 22, 1980

Hon. William E. Hammond,
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

RE: Petition for Variance
Property Owner - Donald H. Hobbs

Dear Bill:

I have this date filed a Petition for a sideyard setback variance in the above referenced matter. As I discussed previously, this case was originally filed in the fall of 1978, was heard twice before the Zoning Commissioner (as a result of the death of Deputy Commissioner Martinek before rendering a decision in the first case) and has been recently heard and decided by the County Board of Appeals. These cases were on special exception for an office building and a special hearing for parking in connection therewith. The decisions in all the aforesaid cases have been favorable to the Petitioner.

A variance was never asked for since the Zoning Office's interpretation of all regulations was that a variance was not required for an office building in a DR-16 zone if any building was going to be less than 75 feet from another DR zone. This interpretation has recently been upset by a Circuit Court opinion in Miscellaneous Law Case No. 5873, in which case Judge DeWaters ruled the above described interpretation to be illegal.

Since a year and a half has now transpired since the initial case was filed and in further light that the subject property has already been the subject of extensive review by the Baltimore County Zoning Plans Advisory Committee, we respectfully request that this case be given a "right-of-way" and assigned for hearing at the earliest possible date.

Thank you very much for your kind consideration of our request.

Sincerely,
[Signature]
R. Bruce Alderman

RBA/stk
CC: Mr. Nicholas B. Commodari

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 1st, 1980

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770' NW of
Tally Ho Road - 8th Election
District
Donald H. Hobbs - Petitioner
NO. 80-212-A (Item No. 151)

Dear Mr. Alderman:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:srl

Attachments

cc: Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Counsel

Mr. Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770' NW
of Tally Ho Road
8th Election District
Donald H. Hobbs - Petitioner
No. 80-212-A (Item No. 151)

Dear Mr. Commissioner:

Please note an appeal from your decision and order in the above matter, dated May 19, 1980, to the County Board of Appeals for Baltimore County on our behalf.

A check in the amount of \$10.00 to cover the cost of appeal is enclosed.

Very truly yours,
[Signature]
Richard J. Flannigan
8213 White Manor Road
Lutherville, Maryland 21093
Telephone: 321-1323

Very truly yours,
[Signature]
Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093
Telephone: 296-1154

cc: R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

Enc.

John W. Hessian, III, Esquire
Peoples Counsel
Court House, Room 223
Towson, Maryland 21204

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093

JUN 18 '80 AM
ZONING DEPARTMENT
By *[Signature]*

JAMES S. SPANER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P. O. BOX 9804 - BALTIMORE, MD. 21204

by W.O.L.
DATE 8/20/78
Zoning Description For D.R.-16
to Accompany Petition for M & A Developer
SHEET 1 OF 1
FILE

Beginning for the same at a point on the northeast side of Joppa Road 770 feet more or less from Tally Ho Road and at the beginning of the first line of the parcel of land conveyed to Donald H. Hobbs by Deed dated April 8, 1970 and recorded in Liber 5081, Folio 103 and running thence binding on Joppa Road

1. North 15° 24' 30" West 200.00 feet, thence parallel to the aforesaid first line
2. North 35° 32' East 100.00 feet, thence parallel to Joppa Road
3. South 16° 24' 30" East 200.00 feet to said first line, thence
4. South 35° 32' West 100.00 feet to the place of beginning.

Saving and excepting all that land now zoned D.R.-16.

[Signature]
William C. Lustig, P.E.



June 17, 1980

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Variance
NE/S of Joppa Road, 770'NW
of Tally Ho Road
8th Election District
Donald H. Hobbs - Petitioner
No. 80-212-A (Item No. 151)

Dear Mr. Commissioner:

Please note an appeal from your decision and order in the above matter, dated May 19, 1980, to the County Board of Appeals for Baltimore County on our behalf.

A check in the amount of \$40.00 to cover the cost of appeal is enclosed.

Very truly yours,

Richard J. Flanagan
8213 White Manor Road
Lutherville, Maryland 21093
Telephone: 321-1323

Jorgen Jensen
8216 Tally Ho Road
Lutherville, Maryland 21093
Telephone: 296-1154

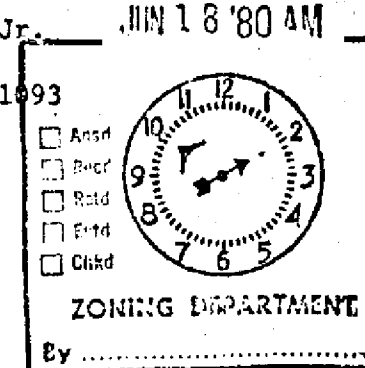
cc: R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

John W. Hessian, III, Esquire
Peoples Counsel
Court House, Room 223
Towson, Maryland 21204

Mrs. Mary Ginn
606 Horncove Road
Towson, Maryland 21204

Mr. Lawrence A. Naylor, Jr.
8206 Tally Ho Road
Lutherville, Maryland 21093

Enc.



MacKenzie & Associates Inc.
President
CLARK F. MACKENZIE
Vice Presidents
GARY T. GILL
DAVID R. HORN
Assistant Vice President
JOHN F. EYRING III
Consulting Engineer
GEORGE A. REIER

April 22, 1980

R. Bruce Alderman, Esquire
White, Minnel, Clarke & Hill
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Property of Donald H. Hobbs
"Joppa Green"
Case No. 79-151-XSPH

Dear Mr. Alderman:

As you are aware, I have prepared several comprehensive reports concerning the proposed use of the above-referenced property - namely, offices (by Special Exception in a DR16 Zone) and parking (by Special Hearing for Parking in a Residential Zone). On January 17, 1980, the Baltimore County Board of Appeals approved the office use, and by Supplemental Order on February 7, 1980, approved the off-street parking in a Residential Zone.

In the Order granting the office building use by the County Board of Appeals, acting Chairman, William T. Hackett, cited a decision in the County Circuit Court (Law Case #5873 (1/11/80) which changed the current policy regarding Section 1 B02-2(c) concerning setbacks - namely, a 75' building setback from the adjacent farm property to the East. Although the use and the parking were approved by the Court of Appeals, we are now requesting a variance. The 75' setback does not affect portions of the plan, and we could begin construction on that portion, which could be called "Phase I", however, we prefer to develop the entire property at once. Our desire to apply for the variance was indicated to John W. Hessian, III, Esquire, Peoples' Counsel for Baltimore County, in a letter written to him on February 21, 1980.

REALTORS • DEVELOPERS • CONSULTANTS
Green Spring Village Professional Building
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

R. Bruce Alderman, Esquire
April 22, 1980
Page Two

Specifically, we are requesting that the 75' setback in Section 1 B02.2(c) be changed to 25', as shown on a Plat prepared by James Spamer & Associates, Engineer, and Lapicki/Smith Associates, AIA, dated August 31, 1978 and Revised January 19, 1980. We believe the variance is warranted as it would cause practical difficulty and unreasonable hardship due to:

- (1) The property has a width of 200' and a depth of 400'. The shape of the property would create an unyielding and costly site plan.
- (2) To provide residential style buildings with low profiles, it is necessary to spread out on the site. The size doesn't permit full utilization of the property by using this design and would force the building to be an elevator mid-rise.
- (3) By putting the buildings rather than parking on the eastern portion of the property, the developer can have exposed basements due to the topographic conditions of the site. Therefore, the overall height of the buildings can be controlled, and only token parking will be adjacent to the residential zone to the east. The bulk of the parking will be adjacent to the "Greenhouse" property to the west.
- (4) To work out the storm water management and control of offsite drainage, we need to utilize the rear of the proposed buildings (or eastern portion of the property) as open area rather than parking. Therefore, it would not be good engineering to push the buildings further to the west to maintain the 75' setback.
- (5) If we were to provide only the required parking spaces, we could reduce the parking on site and move the buildings. However, we believe the zoning requirements are minimal, and it is imprudent to build only the required spaces. We are approximately 35% in excess of the Code under the proposed plan.

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

R. Bruce Alderman, Esquire
April 22, 1980
Page Three

We further believe the variances are in spirit and harmony with the Zoning Regulations and in no way affect the public health, safety and general welfare of the area involved due to:

- (1) The proposed plan has been well received by the Planning Staff and Community. The previous plan was a mid-rise elevator office building and was opposed by the Staff and Community.
- (2) The residential type buildings are a perfect transition zone from the harsher uses to the west and the farm and residential uses to the east.
- (3) The harmony of the required variance actually was accepted in previous policy by Zoning and Planning and was permitted prior to Law Case #5873. Our engineer and architect worked very closely with the Office of Planning and Zoning in preparing the proposed site plan.
- (4) We believe that it is in everyone's benefit to complete the project at once rather than over several phases. This creates minimal disruption to the roadways and provides efficient utilization of sediment control, landscaping, and construction vehicles. Had it not been for Case #5873, we would have been under construction and occupancy would have been slated for late Fall, 1980.

I mentioned that I have prepared several lengthy reports concerning the proposed use of the property. These studies were used to explain to both the Zoning Commissioner and Board of Appeals the plans which I envisioned in the overall development of the property. We plan to follow the same plan which we presented at the hearings and will do so in "substantial compliance with the site and architectural plans submitted." Not only was the proposal approved by both hearing bodies, but we also have been informed that the Planning Staff of Baltimore

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

R. Bruce Alderman, Esquire
April 22, 1980
Page Four

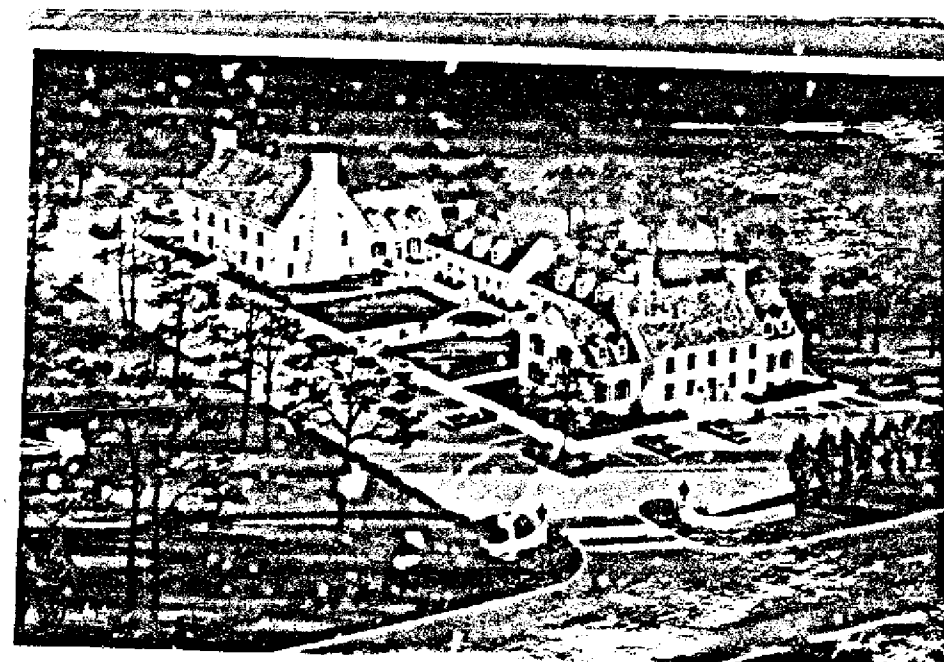
County is recommending R-O (Residential Office) Zoning for the subject site. This is yet another indication that our design is appropriate for the site. If we are to have the design (Residential/Williamsburg) and site plan (ample open space and landscaped areas), we should be permitted to have the requested variance to give proper scale and dimensions to the buildings and site. Plans, photographs and other information will be available for review at the Zoning Hearing.

Sincerely,

Clark F. MacKenzie

CFM:rm

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585



"JOPPA GREEN"
Proposed Professional Offices
By MacKenzie & Associates, Inc.
Clark F. MacKenzie, President

MacKenzie & Associates Inc.
Green Spring Village Professional Building
Suite 301
10807 Falls Rd., Lutherville, Md. 21093
(301) 821-8585

CLARK FOWNES MacKENZIE, S. R. A.

Re: 1 Estate

Developer and Consultant

MEMBER:

MacKenzie & Associates, Inc. - President
Baltimore County Appraisers' Society
Society of Real Estate Appraisers - Senior Residential
Appraiser, Baltimore Chapter No. 24 Past Secretary
Licensed Real Estate Broker, State of Maryland
The Greater Baltimore Board of Realtors - Past Member
Board of Directors and Condominium Committee
Past Chairman - Baltimore County Division
National Association of Real Estate Boards
National Institute of Real Estate Brokers
Maryland Association of Real Estate Boards
American Right of Way Association, Chapter No. 14
Central Baltimore County Chamber of Commerce -
President 1969-1971

EDUCATION AND BACKGROUND:

Bachelor of Science Degree - University of Virginia
Major in Finance, Minor in Accounting
Real Estate Courses taken and passed:
American Institute of Real Estate Appraisers
Course I, Theories and Principles
June, 1964, University of Virginia
Course II, Real Estate Appraisal Problems
July, 1964, University of Virginia
Course IV, Condominium
March, 1966, University of Georgia
Real Estate Board of Baltimore City
Examination III, Rural Properties
September, 1968
Johns Hopkins Evening College:
Introduction of Commercial and Industrial Real Estate
Real Estate Management
Real Estate Law
Investment Banking
American University
Ninth Institute on Tax Planning in Real Estate
Real Estate Seminars:
Condemnation Seminar, October, 1973 (Mock Trial)
Condominium Seminar, October 1974 (Developer's Viewpoint) Presented by The Society of Real Estate Appraisers

January, 1979

(CLARK FOWNES MacKENZIE, S. R. A.)

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APPRAISED FOR:

Baltimore County Board of Education
Baltimore County Revenue Authority
Baltimore County Bureau of Land Acquisition
Baltimore County Solicitors Office
Baltimore Gas and Electric Company
Baltimore Life Insurance Company
Bendix Corporation
Chesapeake National Bank
Circuit Court of Baltimore County
County Appraisers, Inc.
Department of Law - State of Maryland
Department of Public Improvements - State of Maryland
Getty Oil Company
Goucher College
Martin-Marietta Company
Maryland State Highway Administration
Mobil Oil Corporation
Office of Law - Anne Arundel County
Real Estate Department of Baltimore City
Relisterstown Federal Savings and Loan Association
Shell Oil Company
Toll Facilities Division, Maryland State Highway Administration
Attorneys and Landowners

Over Seven Hundred Fifty appraisals in the last fifteen years; combined appraised value exceeding \$350,000,000.00. These appraisals include residential, industrial and commercial properties for condemnation, mortgage, estate and tax purposes.

QUALIFIED AS REAL ESTATE EXPERT BEFORE:

Courts:
Anne Arundel County Circuit Court
Baltimore County Circuit Court
Howard County Circuit Court
Tax Appeals Court - Baltimore County, Maryland
Zoning:
Baltimore County Zoning Commissioner
Baltimore County Zoning Board of Appeals
Howard County Zoning Board of Appeals
Town Council - Easton, Maryland
Baltimore City Zoning Board of Appeals
Public Service Commission - State of Maryland

January, 1979

DEVELOPMENT EXPERIENCE:

Commercial:

Scotts Corner Shopping Center
Ridgely Plaza Shopping Center
Garrison Forest Plaza Shopping Center
Tred Avon Square Shopping Center
Carney Village Shopping Center
Shamrock Industrial Building
MacKenzie Office Building
Crocker Industrial Building
Kenilworth Bazaar Shopping Mall
The Bosley Office Building
Scott Adam Village
Central Savings Bank Building (Severna Park)
232 Cockeysville Road Office Building
609 Bosley Avenue Office Building
The Berkshire Office Building
Green Spring Village Professional Building
Padonia Park Retail Center

Residential:

Stillpond (Condominiums - #4)
The Beeches (Condominiums - 61)
Stone Oaks (Condominiums - 40)
Greencroft (Large Lot Subdivision)

January, 1979

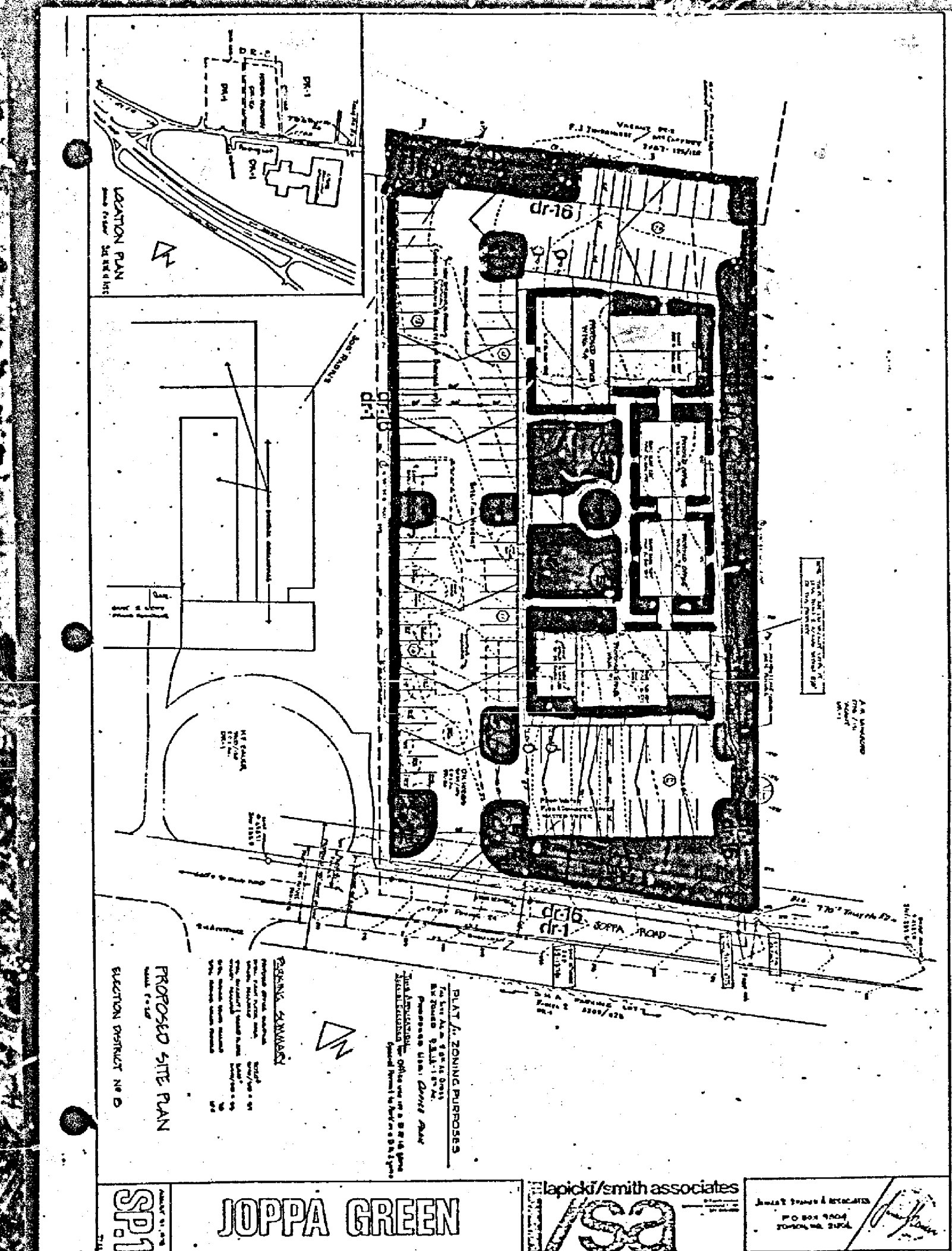
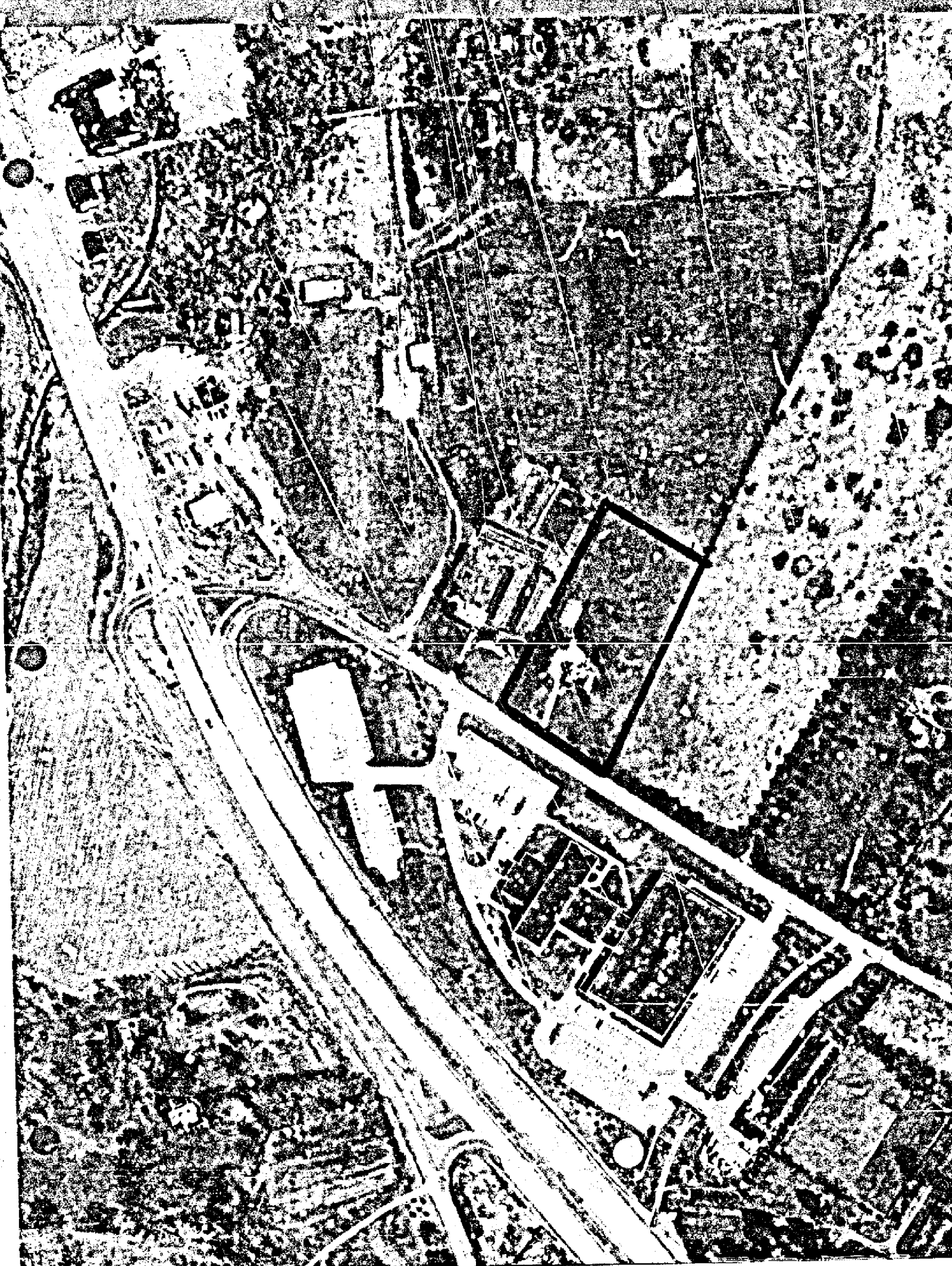
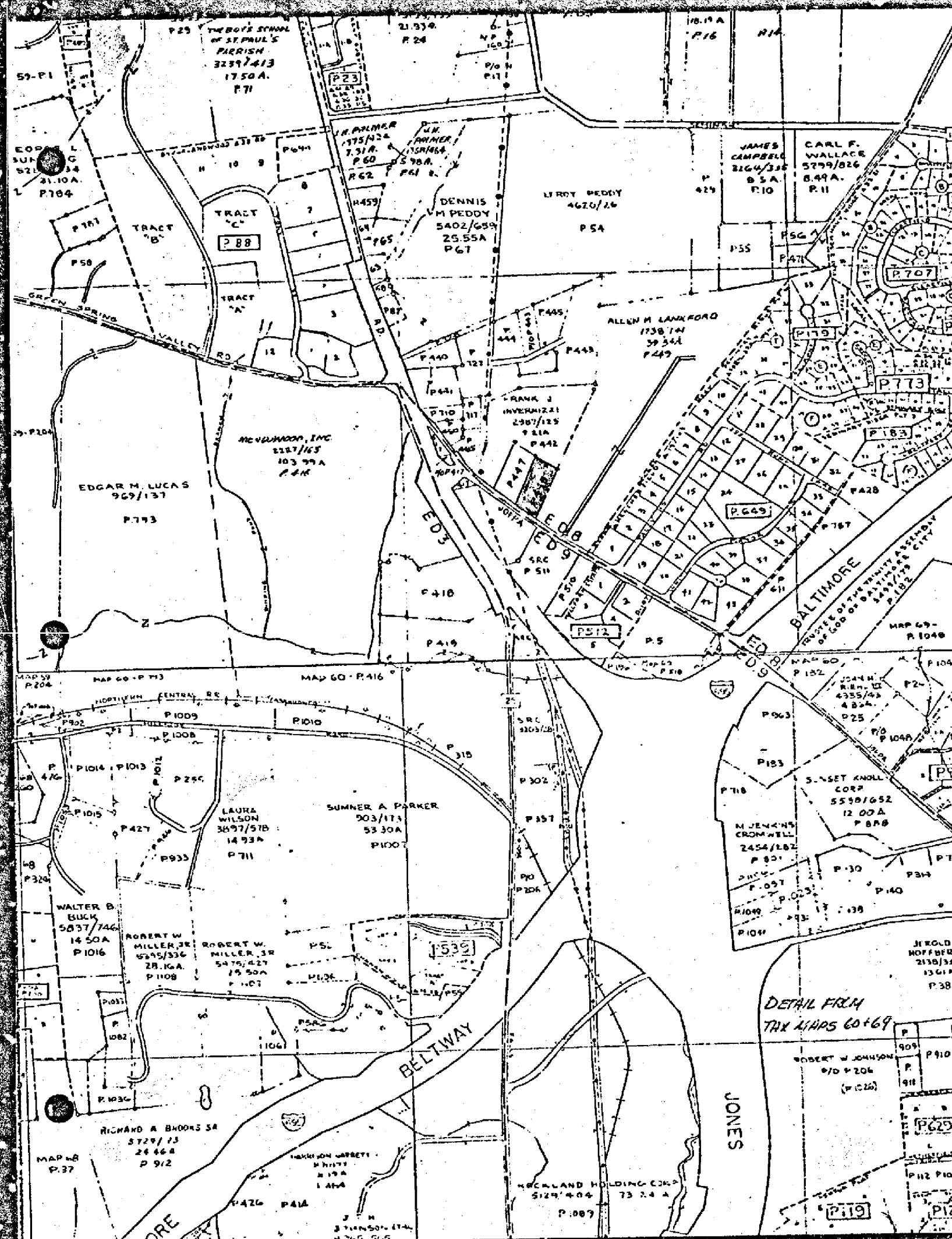
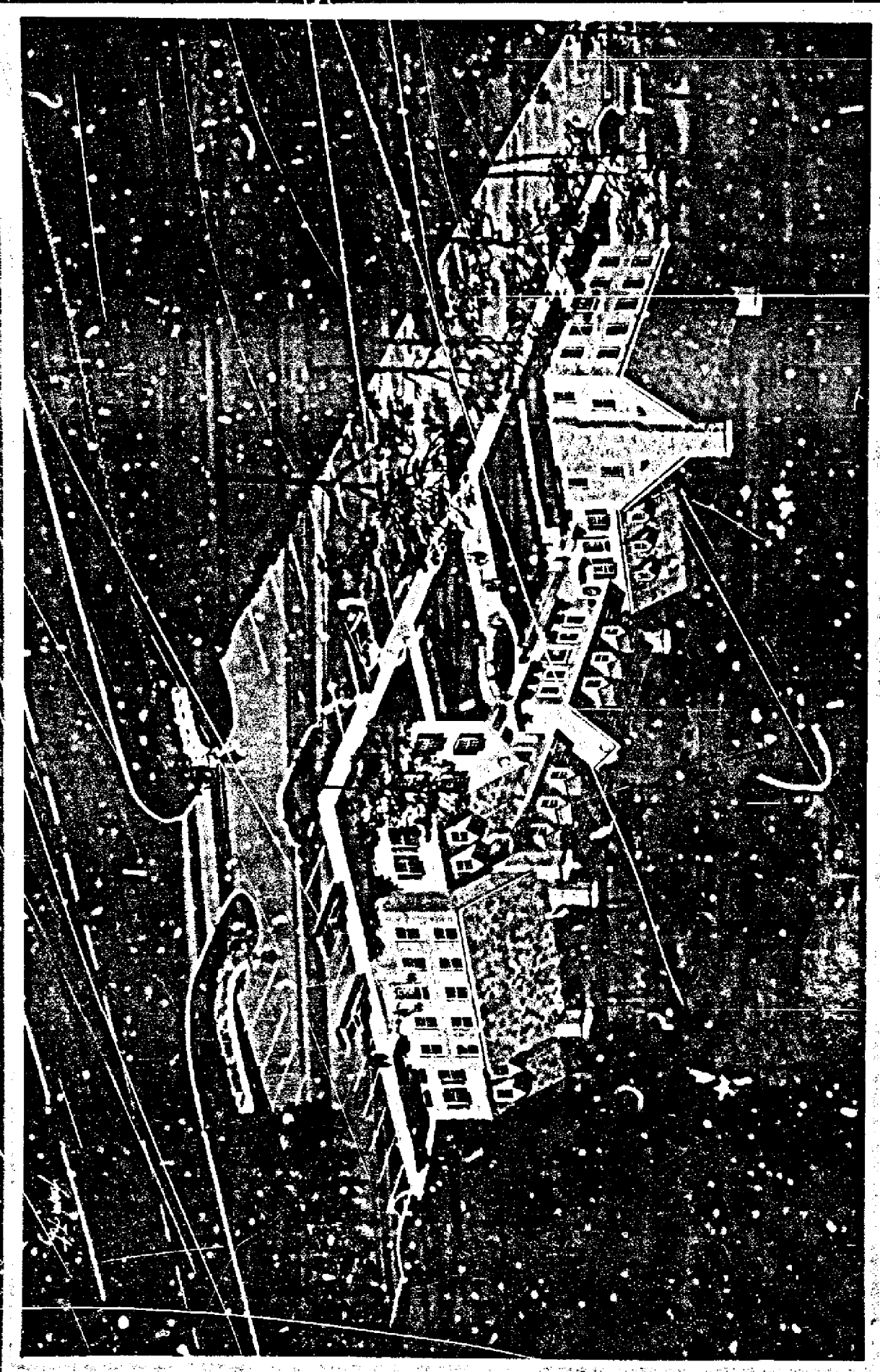


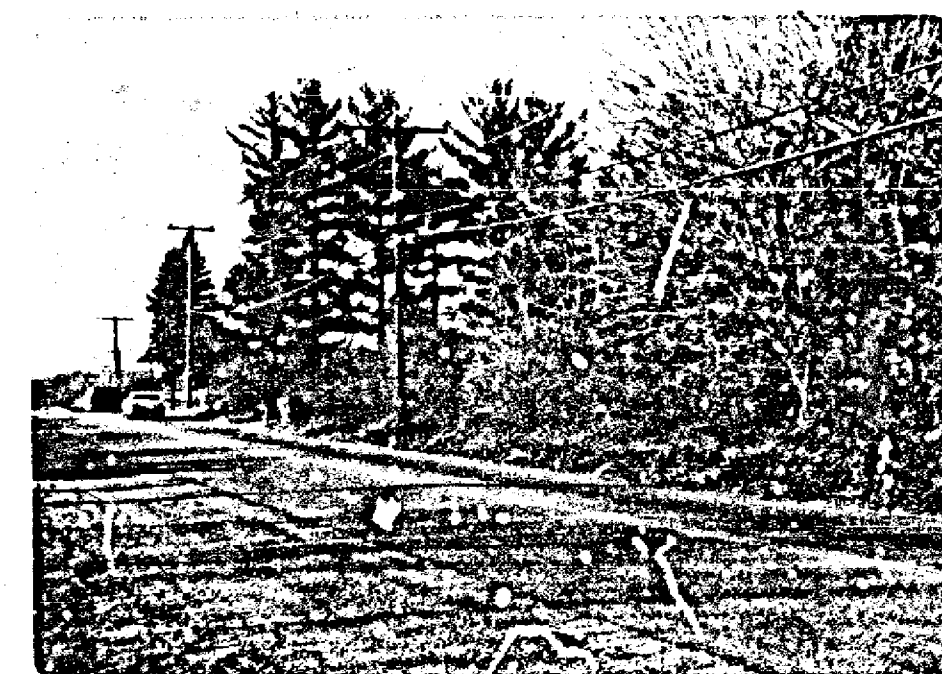
Exhibit A - p. 1



DONALD H. HOBBS PROPERTY



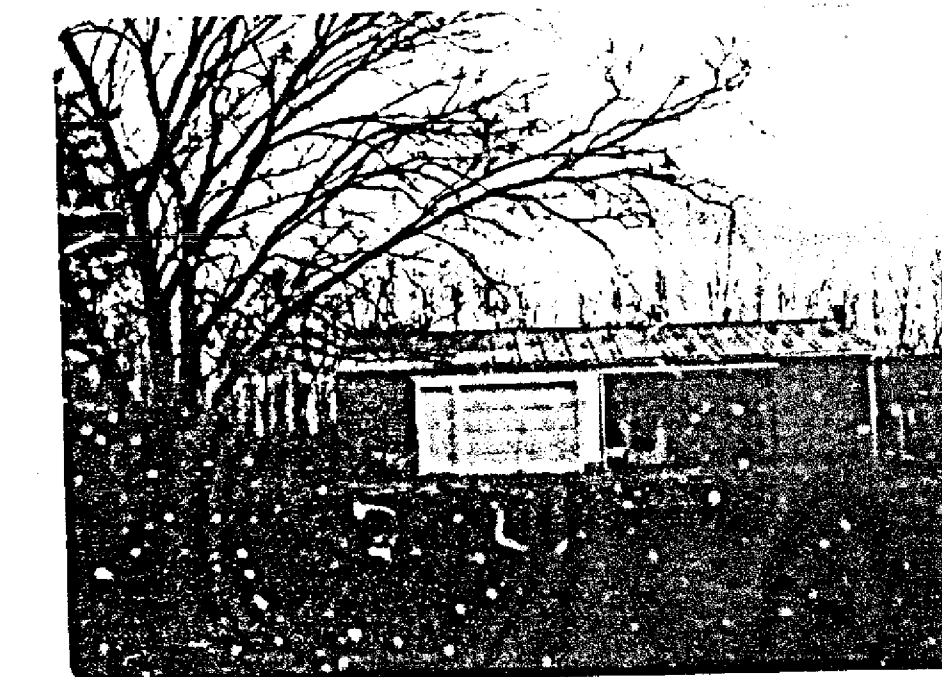
PHOTOGRAPH #1
Looking in a northerly direction across Joppa Road at the front of the subject property showing the front entrance, front of the house and two zoning notices.



PHOTOGRAPH #2
Looking in a northwesterly direction at the frontage along the north side of Joppa Road showing the fire hydrant at the southeast corner of the property plus the existing screening along the road. Note also the two zoning signs near the mailboxes at the entrance to the property.



PHOTOGRAPH #3
Looking in a southerly direction at the rear of the existing 1 1/2 story dwelling.



PHOTOGRAPH #4
Looking in a westerly direction at the 1 story, concrete block garage which has been converted into a small stable.



PHOTOGRAPH #5
Looking in a northerly direction from the parking lot of the State Highway Administration toward the greenhouses adjacent to the west property line.



PHOTOGRAPH #6
Looking in an easterly direction at several other greenhouses located on the Bauer property. This photograph is taken from the driveway to the Valley Driving Range.